

OCDW 03.10.25

Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

www.ocdw.com

03.10.25

[James L. Hankins](#),
Publisher

(with special thanks to Mark Hoover, OIDS, for contributing regularly)

“I have lived my life, and I have fought my battles, not against the weak and the poor—anybody can do that—but against power, against injustice, against oppression, and I have asked no odds from them, and I never shall.”---Clarence S. Darrow, *Attorney for the Damned* 491, 497 (Arthur Weinberg ed. 1957).

OKLAHOMA

[Stitt v. City of Tulsa](#), 2025 OK CR 5 (March 6, 2025): **Indians**: This is a speeding ticket case out of Tulsa, affirmed over a *McGirt*-based jurisdictional claim where the Court held that the municipality has concurrent jurisdiction. NOTE: The Tenth Circuit had clarified some of the law in this area. Also, Judge Lewis concurred in part/dissented in part.

[State v. Deon Lawayne Tucker](#), No. S-2024-333 (Okla. Cr., March 6, 2025) (unpublished): **State Appeals**: In this case out of Tulsa, the Hon. Sharon K. Holmes denied the State’s motion to declare a witness unavailable and to use a transcript. The State appealed this pre-trial ruling, but in this opinion the Court dismissed the State appeal as being unauthorized by statute.

TENTH CIRCUIT

[United States v. Anthony Brian Walker](#), No. 23-7038 (10th Cir., March 4, 2025) (Published) (Matheson, Kelly & Moritz) (E.D. Okla., Hon. Ronald A. White):

Self-Defense: Conviction for First Degree Murder in Indian County is affirmed over claims related to: 1) denial of instruction on the defense theory of imperfect self-defense; and 2) sufficiency of the evidence.

UNITED STATES SUPREME COURT

“Only Supreme Court justices and schoolchildren are expected to and do take the entire summer off.” –*Chief Justice John Roberts* (statement made while he served as a lawyer in the Reagan Administration).

No new cases.

OTHER CASES OF NOTE

[United States v. Christopher Easterling](#), No. 23-1143 (7th Cir., February 3, 2025): **Federal Sentencing Guidelines (Retroactivity):** Sentence for attempted robbery is vacated because the Guidelines in effect at the time of sentencing assigned two criminal history points for committing offenses on parole, but a retroactive amendment changed that.

[United States v. Aaron Gordon Holmes, Jr.](#), No. 22-10266 (9th Cir., November 13, 2024): **Search and Seizure (Warrants; Good Faith; Inevitable Discovery); Child Porn:** Denial of motion to suppress is reversed in this split opinion where tip was forwarded to the FBI about child porn and an agent viewed the image on Facebook without a warrant. A warrant based on this was obtained later, but the panel suppressed it and also rejected the Government’s attempt to save it via good faith and inevitable discovery.

[In Re: Grand Jury Subpoena](#), No. 24-2506 (9th Cir., January 28, 2025):

Subpoenas; Grand Jury: District Court order compelling a law firm to provide to the Government a privileged log of documents to which a privilege has been asserted is reversed.

VICTORIES

KRISTIN KNUTSON, Tulsa, took on two ADAs in Tulsa County for a client accused of Assault and Battery upon a Police Officer. It took her only 45 minutes to vanquish the State and for the jury to return a verdict of NOT GUILTY. Tenacious motion practice kept out all of the medical records of the officer and the prior bad acts of the accused; as well as evidentiary acumen when she further processed a grainy video of the incident showing that the contact was accidental (and the client even assisted the officer after it happened). Excellent work, Kristin!

ROB COWAN & GARY BUCKLES, Poteau; **RYAN WYRICK & DANIEL JENSON**, OIDS, represented co-defendant brothers in LeFlore County charged with Murder and Manslaughter. Not many details, but the most important detail was NOT GUILTY on all counts and Rob relayed that they waited on a release and then did the best thing we as criminal defense lawyers can do—walked the client out of the courthouse. Great job, Rob, Gary, Ryan & Daniel!

JAY K. RAMEY, Tulsa, ventured into Muskogee County for a client accused of two counts of Domestic Assault & Battery (one by strangulation-felony; the other in presence of minor-misdemeanor). Jury trial commenced on March 5, 2025, and although the details are sparse, the jury returned a two verdicts of NOT GUILTY the next day. Great job, Jay!

HEARSAY

[DOC](#): Walkaways at lower-level security prisons have raised security concerns at DOC.

[HOMICIDE](#): An inmate was killed at Lawton C.F.

[MEDICAL PAROLE](#): Although the State expanded medical parole in 2021, the number of inmates paroled has decreased.

LETHAL INJECTION: A new book details the “untold story” of lethal injection.

PETITION: An O.U. law student has circulated a petition for the removal of Connie Smothermon from the faculty based on her involvement as lead prosecutor in the *Glossip* case. Also, a total of 54 O.U. Law alumni, including Bobby Don Gifford, has supported this petition by signing a **letter** requesting the removal of Smothermon from the O.U. Law faculty.

NON-ESSENTIAL: The federal building in Oklahoma City that replaced the Murrah building has been deemed a “non-core asset” by the government and may be sold. Also, DOGE may terminate a number of other leases for federal offices, including the **U.S. Attorney’s Office in Muskogee**.

JAIL: OKC attorney James Radford said that the Cleveland County Jail is a disaster waiting to happen.

VIOLATIONS: A so-called “white collar sociopath” faces a ninth parole violation in the N.D. Oklahoma.

DOGS: Mabel Bassett Correctional Center has a dog rescue program.

NEGLIGENCE: OKC attorney Jarrod Stevenson has filed a negligence lawsuit against five Osage County Sheriff’s Department employees.

BOOK: Attorney Gary Pitchlynn has released a book on the Girl Scout Murder case.

CLASS: DOC has graduated the largest class of correctional officers since revamping its training academy in 2023.

GLOSSIP FALLOUT: There have been many stories about the SCOTUS decision in *Glossip*, but the one by **Rep. Humphreys** is likely the best.

WACKY CRIME

IMPOUND: Oklahoma City police have impounded a car for speeding and an expired tag...the car is a Ferrari that was clocked at 106 mph on the Kilpatrick Turnpike.

MISTAKE: Two women from Claremore became upset at young men in a dormitory at Northwestern Oklahoma State University in Alva...and promptly keyed the wrong car.

ENID: A wayward donkey lead Enid police on a chase to Vance Air Force Base.

EDMOND: Not to be outdone, Edmond police had a hot pursuit...of a chicken.

OKLAHOMA CRIMINAL DEFENSE WEEKLY

SUBSCRIPTIONS AND SUBMISSIONS: To subscribe to the *Oklahoma Criminal Defense Weekly* just send an e-mail to James L. Hankins at jameshankins@ocdw.com and include the e-mail address to which you want the issues to be delivered. I am sending out the issues for free now to whoever wants to receive them. Submissions of articles, war stories, letters, victory stories, comments or questions can be sent to Mr. Hankins via e-mail or you can contact him by phone at 405.753.4150, by fax at 405.445.4956, or by regular mail at James L. Hankins, MON ABRI BUSINESS CENTER, 2524 N. Broadway, Edmond, OK 73034.

ABOUT THE OCDW: The *Oklahoma Criminal Defense Weekly* is compiled, maintained, edited and distributed weekly by attorney James L. Hankins. Archived issues can be obtained by contacting Mr. Hankins directly, although some of them are on the web site at www.ocdw.com. OCDW accepts no money from sponsors. Mr. Hankins is solely responsible for its content. The OCDW web site is maintained by [Spark Line](#).

COPYRIGHT STATEMENT & DISCLAIMER: ©2005-2025 by James L. Hankins. All rights reserved. OCDW hereby grants free use of these materials for any non-commercial purpose provided that proper credit to the OCDW is given. In the event that copyrighted works are included in an edition of the OCDW such works may not be reproduced without the consent of the copyright holder because under federal law the OCDW has no authority to allow the reproduction of the intellectual property of others. For purposes that go beyond “fair use” of the copyrighted material under federal law, the permission of the copyright holder must be obtained. If you are a copyright holder and object to any portion of an issue of the OCDW, please contact the publisher, James L. Hankins, at the contact information above (located under the SUBSCRIPTIONS AND SUBMISSIONS section). Finally, the materials presented in this newsletter are for informational purposes only, and are not, nor intended to be, legal advice or to create an attorney-client relationship. You should consult an experienced attorney licensed in your jurisdiction for legal advice applicable to the specific facts of your case. Cases are summarized in each weekly

issue as they are issued and filed by the respective court, and are thus subject to being withdrawn, corrected, vacated, and/or modified or reversed without notice. Always conduct your own research!

UNSUBSCRIBE

If you have received this e-mail in error, or no longer wish to receive the weekly newsletter, simply reply to the message, or send a new message, to jameshankins@ocdw.com and type in “UNSUBSCRIBE” in the subject line, along with your name and e-mail address and you will be taken off the mailing list.