

**OCDW 03.16.26**

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**OKLAHOMA CRIMINAL DEFENSE WEEKLY**

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[James L. Hankins,](#)  
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*(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**

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[In re: Revision of Portion of the Rules of the Court of Criminal Appeals](#), 2026 OK CR 12 (March 9, 2026): The Court amended its Rules to update the address of the Court from the Capitol to the Judicial Center.

[John Anthony Steel v. State](#), 2026 OK CR 13 (March 12, 2026): **Lewd Acts:** Steel was convicted at a bench trial before the Hon. Emily Maxwell of Lewd Acts in McCurtain County. Steel had suggested to the minor that they watch porn and masturbate together. The issue on appeal is whether the statutory language of “unlawful sexual relations” covers this. The Court construed the statute broadly and concluded that it does.

## TENTH CIRCUIT

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In re: Monterial Wesley, No. 25-3075 (10<sup>th</sup> Cir., January 23, 2026) (Published) (Hartz, Matheson & Phillips): **Habeas Corpus (Second or Successive)**: Petitioner sought relief under Rule 60(b), which the district court treated as a successive 2255 motion. The panel held that part of the motion was a true 60(b) motion, but the rest was a successive 2255 and authorization was denied.

United States v. Christopher A. Singer, No. 23-6120 (10<sup>th</sup> Cir., January 23, 2026) (Published) (Matheson, Eid & Rossman) (W.D. Okla.): Sentence is vacated because 21 O.S. 645 under Oklahoma law is not a “crime of violence” because it includes Assault and Battery of an unborn child, but Tenth Circuit precedent does not. NOTE: Judge Matheson concurred in the judgment.

United States v. Tyler Jay Mullins, No. 24-7003 (10<sup>th</sup> Cir., January 16, 2026) (Published) (Phillips, Kelly & Moritz) (E.D. Okla.): **Jurors; Evidence (Plea Discussions); Evidence (Communications between Government and Counsel)**: Murder case out of Indian Country is affirmed over claims related to: 1) the Jury Selection Act where there was no compliance with the Act; 2) denial of motion to suppress statements during plea negotiations (the statement was not made during plea negotiations with the prosecuting authority); and 3) denial of motion to compel disclosure of communications between the Government and former counsel (harmless even if there was error).

## UNITED STATES SUPREME COURT

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“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.*

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## **OTHER CASES OF NOTE**

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[United States v. Tonya Robinson](#), No. 24-1910 (7<sup>th</sup> Cir., January 28, 2026): **Bank Fraud**: Conviction for Bank Fraud is reversed because the Government failed to identify a false statement made to a bank.

[United States v. Nicole K. Schuster](#), No. 24-2942 (3<sup>rd</sup> Cir., January 14, 2026): **Guilty Pleas**: Guilty plea to a violation of the Procurement Integrity Act is vacated because there was not a sufficient factual basis for the plea.

[United States v. Jey James Roldan Cardenas](#), No. 24-2734 (2<sup>nd</sup> Cir., February 18, 2026): **Evidence (Corroborating/Defense Theory)**: Drug conviction is reversed when district court excluded evidence that went to the state of mind of the accused and was relevant to his criminal intent.

## **VICTORIES**

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**MISTRIAL**: A mistrial has been announced in an Oklahoma County rape case. Docket said that Scott Adams was trial counsel.

## **HEARSAY**

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**JAIL**: Board members of the Oklahoma County Jail Trust want answers after the Chair and some jail administrators doled out raises that the jail cannot afford.

**ARRESTED**: A Logan County deputy has been arrested for DUI and Child Endangerment.

**BREACH**: Federal Judge Gregory Frizzell agrees that Oklahoma is not complying with the mental health consent decree.

**SCOTUS**: SCOTUS may be considering how broad right-to-appeal waivers are in state cases.

**UNSATISFIED**: The mother of a murdered child is not satisfied with the efforts of the Tulsa Police Department to solve the case.

**REEFER**: Police say that an illegal marijuana operation in Grady County operated like a choreographed ballet.

**FLOCK**: The Tulsa Police Department used Flock Cameras to investigate protest activity throughout 2025.

**KILLED**: An inmate was killed at Allen Gamble Correctional Center during a tour of the facility by the local District Attorney.

**MUSIC**: The 1970s and 1980s were the golden age for prison music across the country (one singer went by “Candy Barr”).

**RETIREMENT**: The Bartlesville Chief of Police has announced his retirement.

**TERM**: Logan County Special Judge Diane Vaughn has been appointed to complete the term of deceased District Judge Louis “Luke” Duel.

**PATROL**: The Tulsa Police Department will launch a downtown patrol division in August.

**CRIME**: A Tulsa woman has turned her true-crime experience into the podcast “Sirens” to help families of unsolved cases.

**SUICIDE**: The Frontier reported that six U.S. Navy service members from one unit committed suicide on Tinker Air Force Base last year.

**DEATHS**: The Tulsa Municipal Jail has seen seven deaths in three years.

## **WACKY CRIME**

**TULSA**: Police in Tulsa arrested a man after he driving into a parking lot at Braum’s...and proceeded to do donuts.

**RIVALS**: OU’s Sooner Magazine noted the questionable hijinks during the university’s century-old rivalry between law school students and engineering students.

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**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](http://www.ocdw.com). OCDW accepts no money from sponsors. Mr. Hankins is solely responsible for its content.

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