

OCDW 03.28.22

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OKLAHOMA CRIMINAL DEFENSE WEEKLY

www.ocdw.com

03.28.22

[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

[Jervon Carruthers v. State](#), No. F-2020-538 (Ok1.Cr., March 24, 2022)

(unpublished): **Waiver (Appellate Issues)**: Carruthers was convicted at a bench trial in Jackson County (the Hon. Clark E. Huey, presiding) of a drive-by shooting. The Court affirmed, but I included this opinion for a procedural trap when the State tried to introduce *Burks* evidence and defense counsel objected on the basis of “speculation.” The Court noted that when a specific objection is made at trial, the accused cannot raise a different legal ground on appeal. NOTE: Protecting the record properly is one of the most difficult parts of trial work, and rules like this is the reason why. In the stress of a trial, be sure to not let the judge pressure you to move on quickly if you need to think about the specific grounds for an objection.

TENTH CIRCUIT

No new cases.

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).*

[Ramirez v. Collier](#), No. 21-5592 (U.S., March 24, 2022): **Death Penalty (Stay)**: In this case, Ramirez challenged neither his conviction nor sentence. He asserted the right to have his pastor physically present during the execution and able to touch him and for audible prayer. Texas refused to accommodate this request, so the Court granted a stay, and in this opinion enjoined Texas from proceeding with the execution until this issue is resolved a complete record.

VICTORIES

ALI W. KHALILI, OKC, and **PAL ANTHONY LENGYEL-LEAHU**, Tustin, California, represented a client in “Shady” Grady County who was accused of 10 counts of various sex offenses. It was a step-father accused by two complaining witnesses from 2009, but the client was arrested out of state and extradited back for trial. Co-counsel was also the brother of the accused, and Ali reported that the trial got personal, and some things were done against conventional wisdom, but it amazingly worked in the favor of the client. The State took the accusations and conducted almost no investigation. The initial interview of the complaining witnesses was not recorded, there was no analysis of the crime scene, and no other family members were called to testify. The client wished to testify, but ultimately did not on the good advice of counsel. The defense left a woman on the jury who had been molested as a child, a pastor who ended up being

the foreperson, and a man who wanted to hear the defendant's side of the story. Prosecutors were Jeff Sifers and Morgan Lankford. Great job, Ali and Pal!

JEREMY BENNETT, Miami, conducted a four-day jury trial in Delaware County with a client facing 13 counts and with 3 prior felony convictions. The counts ranged from A&B w/Intent to Kill, Rape, Kidnapping, etc. The offer was concurrent life sentences at 85%. The jury convicted on Kidnapping and Domestic counts and recommended 20 on non-85% crimes. Nice job, Jeremy!

HEARSAY

JAIL: Cherokee County Jail officials have discussed issues pertaining to the jail. Also, there was a recent stabbing at the **Oklahoma County Jail**. Also, inmates in **Washington County** can receive care packages from their families. Also, a female inmate in **Canadian County** has died, possibly as the result of another inmate bringing in drugs which she then ingested.

MARRIED: Former Attorney General Mike Hunter has married his mistress.

DRUG COURT: Oklahoma Watch presents a day in the life of the Oklahoma County Drug Court.

SUSPENDED: An OHP Trooper has been suspended for 15 days without pay for failing to investigate properly a road-rage incident in OKC.

DOC JOBS: A FOX affiliate in OKC has taken a look at jobs DOC inmates might have (reads like a hit piece).

STORY: A Wilson police officer has admitted to fabricating an officer-involved shooting story.

BUST: An Oklahoma County Sheriff's deputy seized a sizeable amount of drugs in a traffic stop.

FIRED/HIRED: A man fired by Gov. Stitt is now the second in command at the OSBI.

WACKY CRIME

HUNTING: Two men in Daisy, Oklahoma, were cited for wildlife violations...to the tune of \$14,000.00.

PIRATES: Not even television news anchors are safe from porch pirates.

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