

OCDW 03.30.26

Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

www.ocdw.com

03.30.26

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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

[RE: Generative Artificial Intelligence](#), 2026 OK 19 (March 23, 2026): This is a short, cryptic, order from the Supreme Court stating that the Court does not discourage the use of AI, and disclosure of AI assistance is not required in legal filings; but, filers are responsible for the content and accuracy of the documents.

NOTE: There are consequences for not checking the work of AI. An Oregon attorney was [sanctioned](#) by a \$10,000.00 fine for submitting a brief with 15 citations to authority hallucinated by AI.

TENTH CIRCUIT

[United States v. Mackenzie Becker](#), No. 24-1331 (10th Cir., March 9, 2026) (Published) (Hartz, Tymkovich & McHugh): **Search and Seizure (Search Warrants; Sufficiency)**: Search warrant affidavit established probable cause that evidence of a road-rage incident would be found at the house searched.

[United States v. Akin Zhon Wofford](#), No. 25-6066 (10th Cir., March 11, 2026) (Published) (Phillips, McHugh & Vratil) (W.D. Okla.): **Jury Instructions (Brandishing a Firearm)**: Conviction for Brandishing a Firearm in Furtherance of a Crime of Violence is affirmed over a claim related to a jury instruction that Becker argued relieved the Government of its burden to prove beyond a reasonable doubt that he had possessed and brandished a “firearm.”

[United States v. Gustavo Zamora-Guerra](#), No. 24-2173 (10th Cir., March 11, 2026) (Published) (Holmes, C.J., Ebel & Carson): **Federal Sentencing Guidelines (Reasonableness)**: Sentence of 24-months in a case where the Guidelines called for 8-14 months is reasonable.

[Thomas Roye Wahpekeche](#), No. 23-6176 (10th Cir., March 11, 2026) (Published) (Hartz, Bacharach & Carson) (W.D. Okla.): **Habeas Corpus (Anticipatory Procedural Bar; COA); Indians**: State petitioner challenging state court jurisdiction under McGirt is denied because the tribe had been disestablished by Congress and anticipatory procedural bar.

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)*.

[Isabel Rico v. United States](#), No. 24-1056 (U.S., March 25, 2026): **Supervised Release; Abscondment**: Probationer on supervised release argued that a crime she had committed did not count because it had been committed after the expiration of the term of supervised release. The Ninth Circuit rejected this argument because she had absconded, which tolled the clock. The Supreme Court

reversed, holding that the Sentencing Reform Act does not authorize a rule automatically extending a defendant's term of supervised release when the defendant absconds.

OTHER CASES OF NOTE

[United States v. Ebuka Raphael Umeti](#), No. 24-4478 (4th Cir., February 19, 2026): **Sufficiency:** Conviction for Intentional Damage to a Computer with a Loss of at Least \$5,000.00 is reversed because the Government failed to prove that the businesses incurred a \$5,000.00 qualifying loss.

[United States v. Augustine Perez](#), No. 23-7280 (4th Cir., February 23, 2026): **Search and Seizure (Third Party); Forfeiture; Supervised Release:** The Government searched a house occupied by a third party in the belief that a probationer lived there, finding cash and then seeking to forfeit it. The panel found that a condition of supervised release that allows the Government to search the property of a supervisee does not authorize search of real property owned by him but leased to a third party resident.

[United States v. Jennifer Rae McDonald](#), No. 24-4362 (4th Cir., February 5, 2026): **Sufficiency (Identity Theft); Identity Theft:** District court erred in denying judgment of acquittal on charge of aggravated identity theft (the theft alleged did not occur “during and in relation to” the predicate offense.

VICTORIES

None noted this week.

HEARSAY

COWETA: A formal criminal complaint has been filed on the Coweta City Manager for violating the Open Records Act in conjunction with a new data center.

TRAINING: CLEET has broken new ground on a state-of-the-art active shooter training facility in Ada.

JAIL: The beleaguered Oklahoma County Jail claimed that several operational improvements have been made.

DOC: DOC will start training service dogs to assist veterans in the “K9 for Warriors” program inside OSR at Granite.

RE-ELECTION: District Judge Lee Turner (Kay/Noble Counties) has announced his bid for re-election. District Judge **Thad Balkman** (Cleveland/McLain/Garvin Counties) also will seek re-election.

AGE: The Oklahoma Policy Institute supports Senate Bill 2097 which would set the state’s minimum age for criminal adjudication at 12 years old.

BUDGET: There may be some restructuring of the Department of Mental Health because of a growing budget crisis.

HACKED: Persons unknown have hacked Intoxilock, a company that provides court-ordered ignition interlock devices, and disabled the ignition systems and caused secondary financial problems.

SCANDAL: Attorney Dan Smolen commented on the scandal at the Tulsa P.D. regarding evidence that resulted in a \$26 million settlement.

SOBRIETY: The Pittsburg County jail has a new sobriety program for inmates, and plans to extend the program into the jails in McIntosh and Muskogee Counties.

PLATES: A public records request shows that OKC lacks transparency when it comes to license plate readers.

REEFER: Tulsa County Community College is offering a certificate program for students who want to work in the cannabis industry...Mark describes this as higher education.

FIRED: A Cherokee County Deputy has been fired and then arrested for beating a pursuit suspect.

NEW DRUG: OBN warns that Cychorphine, a synthetic opioid up to ten times stronger than fentanyl and resistant to naloxone, is now in Oklahoma.

WACKY CRIME

WATER: The Osage County Sheriff told the Osage County Commissioners of ongoing water problems at the jail, stating that the jail lost water six times within the last year...Sheriff Perrier is concerned about it.

CHUCK NORRIS: In light of the recent passing of Oklahoma-born Chuck Norris, Lawton's Z94 radio has published some of the best Chuck Norris jokes.

AMORE: A Rogers County man fabricated threats against himself and his family in order to frame another man...all in an effort to keep his wife from leaving him.

HARRAH: A man who bravely wore his opinion via tattoo has been arrested in Harrah.

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