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OKLAHOMA CRIMINAL DEFENSE WEEKLY

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[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

No notable cases.

TENTH CIRCUIT

[United States v. Cesar Aguayo-Montes](#), No. 24-4073 (10th Cir., March 17, 2026) (Published) (Holmes, C.J., Kelly & Moritz): **IAC**: In this *Padilla*-like case, trial counsel downplayed the reality of deportation by pleading guilty to a drug crime. The district court denied relief in a 2255 because the accused had been aware that

there was a risk. However, the panel reversed, holding that when deportation is virtually assured, as in this case, the advice of counsel must be stronger.

[United States v. Kylear Williams](#), No. 24-1510 (10th Cir., March 17, 2026) (Published) (Phillips, Kelly & Moritz): **Search and Seizure (Protective Sweep of Car)**: Protective sweep of vehicle once the driver had been arrested and secured is unconstitutional. NOTE: Judge Kelly dissented.

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. John C. Farris](#), No. 25-5623 (6th Cir., April 3, 2026): **AI**: This is another cautionary tale where a CJA lawyer used AI to prepare legal documents without checking the citations, this time in the Sixth Circuit. The panel imposed sanctions including no compensation for the appointment and referral to the State Bar Association and other courts to which counsel had been admitted.

[United States v. David Lopez, Jr.](#), No. 25-40027 (5th Cir., February 2, 2026): Federal Sentencing Guidelines (Pattern of Criminal Activity): In this child porn case, five-level enhancement for “patten of activity involving the sexual abuse or exploitation of a minor” is vacated.

VICTORIES

BRUCE EDGE, Tulsa, and **BRECKEN WAGNER**, McAlester, had an entertaining preliminary hearing in Atoka County that ended up with a sustained

demurrer. The case involved a client facing First Degree Manslaughter (DUI). The State called twelve witnesses, including two different elected officials, elected Sheriffs, and five OHP Troopers. Great work, Bruce and Brecken!

UNKNOWN LITIGANT, ok, he is known, but he proceeded *pro se* against Johnston County prosecutor Fern Smith (from the old Bob Macy days)...and prevailed in a jury trial. The accused had an eighth grade education, three eyewitnesses testified that he had shot at them, the defense gave no opening statement, presented no evidence, and the accused did not testify. Full acquittal on all three counts.

HEARSAY

CONTEMPT: An attorney was held in contempt in Ada by Judge Laurie Jackson during a child custody case. This story got quite a bit of **national attention**.

FBI: FBI Director Kash Patel was in Oklahoma last week to collaborate with tribal leaders on prosecuting crime in light of McGirt.

PAY UP: District 20 District Attorney Melissa Handke has filed charges against 43 parents who failed to pay child support.

JAIL: The Oklahoma County Jail has received a cash infusion that may stave off personnel reduction.

OPIOIDS: Lincoln County is using funds from the opioid settlement to fight addiction.

CRIME: The overall crime rate is down from its peak during the pandemic.

WACKY CRIME

CAUGHT: A man in Stephens County was watching an adult movie...when his mom walked in on him and things escalated quickly.

IRONY: A former firefighter has been arrested...after he admitted to setting fires in Custer and Dewey Counties because he missed battling fires.

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