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Category



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

[Todd Layton Cryderman v. State](#), No. M-2024-318 (Okla. Cr., April 3, 2025) (unpublished): **Speeding**: This is another speeding ticket appeal out of Texas County where the Hon. Clark Jett keeps finding guilt and the OCCA keeps affirming, this time over claims related to: 1) admissibility of radar evidence; and 2) sufficiency of the evidence.

[Casey Janet Roth v. State](#), No. F-2024-243 (Okla. Cr., April 3, 2025) (unpublished): **Sufficiency (Bringing Contraband into Jail)**: Roth was convicted at a bench trial of a single count of Bringing Contraband into a Jail or Penal Institution in Marshall County (the Hon. Wallace Coppedge, presiding). The odd fact pattern consisted of a traffic stop where contraband was found, the officer arrested Roth,

searched her purse but found nothing, and she was booked into jail where jailers found drugs in her previously searched purse. She argued that the arrested officer brought her purse into the jail, not her. Amazingly, the Court agreed with this under the strict wording of the statute.

TENTH CIRCUIT

[United States v. Luis Gutierrez](#), No. 23-2076 (10th Cir., April 4, 2025) (Published) (Tymkovich, Baldock & McHugh): **Speedy Trial**: Delay of prosecution of two years after indictment did not violate the speedy trial rights of the accused. The panel also noted that alleged prejudice at *sentencing* is not cognizable because the Sixth Amendment right protects delay prior to conviction.

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. Gerald Adrian Wheeler](#), No. 23-4636 (4th Cir., March 10, 2025): **Supervised Release**: Revocation of supervised release is reversed because the district court abused its discretion in allowing hearsay evidence which was essential to the revocation finding. NOTE: Judge King dissented.

[United States v. Melissa Darlene Barrett](#), No. 24-6293 (4th Cir., March 27, 2025): **Federal Sentencing Guidelines (Retroactivity)**: Retroactive amendments were applicable to the offense level as well as criminal history category; thus, the district court erred and the matter is remanded for resentencing.

VICTORIES

MIKE NOLAND, OKC, secured a nice win in the Eastern District resulting in a full acquittal for a client accused of Burglary and Assault w/Deadly Weapon in Indian Country. The client had previously pled guilty in tribal court(!) The client testified and apparently showed her prosthetic leg to the jury as part of the defense theory of the case that remains a mystery. Excellent work, Mike!

KYLE KILLAM & NICK VANGILDER, Tulsa County Public Defenders, secured a Not Guilty verdict in a domestic Assault and Battery by Strangulation case. No priors, no warrants, no holds...walked the client right out of the courthouse. Good job, Kyle and Nick!

HEARSAY

RIP: The Hon. Bill Graves passed last week. A service will be held on Wednesday, April 9, 2025, at 10:00 a.m. at Crossings Church in Oklahoma City.

FLOCK: This Frontier article examines the efficacy of Tulsa's FLOCK camera network (long but interesting story on this subject).

ARRESTED: A now-former Delaware County Deputy has been arrested for drug trafficking.

OVER BUDGET: The in-patient mental health hospital envisioned for OKC is now \$124 million over budget.

REPORTING: The Oklahoma City Police Department has launched two new online reporting systems, one for filing reports of non-emergency crimes such as embezzlement and harassment; and the other for reporting interactions with officers.

EXECUTION: The Attorney General has obtained an execution date for John Hanson.

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