

## OCDW 04.13.26

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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

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[McKelvy v. State](#), 2026 OK CR 14 (April 9, 2026): **Deferred Sentences:** McKelvy entered a guilty plea to Grand Larceny in the district court of Kiowa County (the Hon. Rafe Hall, presiding), and was ordered to the Delayed Sentencing Program for Young Adults, which she completed and received a five year deferred. The State sought to accelerate after she tested positive for meth. She appealed, arguing that a single positive drug test was a technical violation that could not support acceleration. The Court agreed, construing the statute to divest the district court of jurisdiction for technical violations. NOTE: Lumpkin, P.J., dissented on separation of powers grounds. Hudson, J., specially concurred, disagreeing with Judge Lumpkin.

[State v. Rana Ashley Sievert](#), No. S-2024-861 (Okl.Cr., April 9, 2026) (unpublished): **State Appeals; Evidence (Burks/Bad Acts; Res Gestae)**: The State appealed a pre-trial order by Judge Amy Palumbo in Oklahoma County denying its motion to introduce other crimes and bad acts under a res gestae theory. The Court reversed. NOTE: Lumpkin, P.J., specially concurred on stare decisis. Lewis, J., specially concurred. Hudson, J., concurred in part/dissented in part.

## TENTH CIRCUIT

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[United States v. Octavio Jimenez-Marquez](#), No. 24-2145 (10<sup>th</sup> Cir., April 3, 2026) (Published) (Hartz, Tymkovich & McHugh): **Possession (Firearm in Furtherance of Drug Trafficking); Sufficiency**: Conviction for Possession of Firearm in Furtherance of a Drug-Trafficking Crime is affirmed over claims related to: 1) sufficiency; and 2) whether the “in furtherance of” language was unconstitutionally vague as applied to him.

[United States v. Ebube Otuonye](#), No. 23-3175 (10<sup>th</sup> Cir., April 2, 2026) (Published) (Hartz, Tymkovich & Bacharach): **IAC**: In this 2255 case, the district court granted relief on an IAC claim related to failure to object to jury instructions on distribution of CDS by a physician, but denied it on other claims. The panel affirmed.

## 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.*

## OTHER CASES OF NOTE

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[United States v. Ronald Damone Jenkins, Jr.](#), No. 24-4220 (4<sup>th</sup> Cir., March 10, 2026): **Sufficiency; VICAR:** Conviction for violent crime in aid of racketeering (VICAR) is reversed on insufficient evidence.

[United States v. Rihanna Buddi](#), No. 24-5953 (6<sup>th</sup> Cir., March 2, 2026): **Sex Offender Registration:** Buddi entered a guilty plea to failure to register and was sentenced as a Tier II sex offender under SORNA; but the panel reversed because she was a Tier I sex offender.

## VICTORIES

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**LAURYN WILSON & PATRICK WEIGANT**, Tulsa County P.D., secured a verdict of Not Guilty in an Animal Cruelty case based on stellar voir dire, cross-examination, and closing argument. Nice work, Lauryn & Patrick!

## HEARSAY

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**AI:** Another attorney, this one in San Diego, has been sanctioned \$96,000.00 for submitting briefs that contained over 20 non-existent legal citations hallucinated by AI.

**SUIT:** The Weatherford Police Department is facing a civil lawsuit stemming from a 2024 traffic stop during which two officers inflicted “compliance strikes” on the driver. This reminds me of an opinion I read years ago where the FBI “utilized simulated information” in interrogating the suspect, *i.e.*, they lied to him.

**GRADY COUNTY:** The Grady County Criminal Justice Authority has opened a new 7,350 square foot addition which includes an attorney visiting room, a clinic space, two holding cells, and programming rooms.

**DISMISSAL:** District 27 District Attorney Jack Thorp explained the process of dismissing cases against non-citizen defendants.

**SERVICE:** Tulsa attorney Rachel Farrar offers free legal services to sexual assault victims in Tulsa County.

**CHAIN GANG**: Inmates in Osage County are used as clean-up crews for the county.

**CHARGED**: A Wagoner County detention officer has been charged with sexually assaulting co-workers.

**DEATHS**: DOC has introduced a “Deaths in Custody” dashboard on its website.

**RIP**: The Carnegie Chief of Police has died.

**ARRESTED**: An employee of the Oklahoma Tax Commission has been arrested for taking up-skirt photos of co-workers.

**SMUGGLER**: The Marshall Project tells the story of a female prison guard becoming a drug smuggler.

**FTA**: Residents of Kay County who failed to appear for jury duty were hauled into court after attorney Jarrod Stevenson filed contempt citations against them.

**CHILDREN**: Advocacy centers for children in Oklahoma are feeling strained because the number of sexual abuse cases has risen from 50 filed per month to 50 filed per week.

**TECH**: Beckham County dispatch receives false crash alerts from iPhones because the motion-detection technology is sensitive when phones are dropped from vehicles.

**JUDICIAL RACES**: Here is a run-down of the judicial races in Washington, Osage, and Nowata Counties.

**DA**: 23 of the 27 District Attorneys in Oklahoma were re-elected by default.

**LEGAL**: NonDoc examines some cases from the OCCA in its Legal Roundup.

**CHIEF**: Attorney General Drummond has announced Carolyn Thompson as his new Chief of Staff.

**DOC**: DOC has adjusted security classifications. OSP is now all-max.

**CHARGED**: A Waurika police officer and a Jefferson County dispatcher have been charged with Assault for roughing-up a detainee during a traffic stop.

**DENIED**: The Pardon and Parole Board has denied clemency to death row inmate Raymond Johnson.

**RESIGNED**: Payne and Logan County District Attorney Laura Thomas will resign at the end of April.

**FOOLED**: Multiple employees at OKC Police Department are on leave after an April Fool's joke was poorly considered.

**RIP**: A car crash in I-35 resulted in the deaths of three persons, including a State Trooper.

## WACKY CRIME

**MOVIES**: Two persons have been arrested in Tulsa for breaking into an abandoned mall...to steal movie theater equipment.

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