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OKLAHOMA CRIMINAL DEFENSE WEEKLY

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(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

[State v. Joseph Randal Arndt](#), No. S-2025-137 (Ok1.Cr., April 16, 2026) (unpublished): **State Appeals; Witnesses:** Arndt was charged with Robbery in Tulsa County and was bound over for trial by the Hon. Rodney Sparkman. The opinion indicates that “Appellee” which is Arndt sought introduction of the PH transcript because the complaining had died, but this seems to be an error and the State actually sought to introduce it. The Hon. Clifford Smith denied the motion and the State appealed. The Court reversed, holding that Judge Smith had used an incorrect legal analysis. NOTE: Hudson, J., concurred in part/dissented in part.

[State v. Cody Owen Russell](#), 2026 OK CR 15 (April 16, 2026): **State Appeals; Interrogations (Fifth Amendment/Custody):** The Hon. David R. Bandy (Kay

County) granted a motion to suppress statements after concluding that Russell was in custody under *Miranda* while he stood outside his home as a search warrant was executed. The Court reversed, concluding that the district court employed the wrong legal standard (analyzing from the subjective viewpoint of the person, rather than an objective reasonable person). NOTE: Hudson, J., concurred in part/dissented in part.

TENTH CIRCUIT

[United States v. Jordan Thompson](#), No. 25-3019 (10th Cir., April 13, 2026) (Published) (Phillips, Ebel & Eid): **Federal Sentencing Guidelines (Improper Consideration); Motion for New Trial**: A police officer was convicted of various crimes when he attempted to retrieve his minor daughter from his wife’s house. The panel found that he was not diligent enough in developing new evidence of collusion between the wife and another man to fabricate; but found error in the district court imposing a more harsh sentence because he was a police officer.

[United States v. Kimberly Ann Tew](#), No. 24-1333 (10th Cir., April 6, 2026) (Published) (Holmes, C.J., McHugh & Federico): **Severance; Search and Seizure (Search Warrants; Particularity)**: Husband and wife were convicted of financial crimes at a trial during which they blamed each other, and appealed. In this opinion, the panel affirmed over claims related to: 1) search and seizure when warrant for an Apple account was insufficiently particularized (the panel held this was true, but good faith saved it); and 2) denial of severance.

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. Naeem Deonte Jones](#), No. 24-4624 (4th Cir., April 14, 2026): **Supervised Release:** While on supervised release, Jones tested positive for illegal drugs, which the district court treated as a Grade B violation under the Guidelines, but in this opinion the panel concluded that it was a Grade C violation.

[United States v. Dennis Zeledon Hernandez](#), No. 24-4665 (4th Cir., April 16, 2026): **Immigration:** In this immigration case, the Government asserted obstruction of a pending proceeding. The “proceeding” was the execution of an ICE warrant of removal after an EOIR final order had already been issued. The panel held that this was not a “pending proceeding” under the statute.

[United States v. Nathaniel Martin](#), No. 25-4233 (4th Cir., April 17, 2026): **Search and Seizure (Traffic Stops):** Martin argued that the traffic stop was illegal because the officer immediately abandoned the purpose of the stop and engaged in a criminal investigation unrelated to the basis of the stop. The panel agreed.

VICTORIES

None noted.

HEARSAY

CANDIDATE: An Assistant DA in Woods County has announced her candidacy for Associate District Judge.

CANDIDATE: Darrell Weaver is running for Lt. Governor.

TRACKING: The Chief of Police in Sapulpa told residents that the six Flock cameras recording everyone are definitely not tracking individual drivers. **NonDoc** intimates that the real purpose of Flock cameras is to raise revenue for the DA’s office.

RECORDS: The Tulsa Police Department has acquired a new, modernized records system.

SCANNERS: DOC will be deploying new CLEARPASS full-body scanning systems at five facilities. Also, DOC has chose **Aramark** as the agency-wide food provider.

CHARGED: Former death row inmate Julius Jones has been charged in connection with a prison contraband investigation.

MISTRIAL: A murder trial in Love County came to a halt when the accused collapsed during closing arguments.

HELP: An elderly couple in Shawnee is spending retirement helping victims of domestic violence.

MOVED: Convicted pharmacist Jerome Ersland has been moved from North Fork Correctional Center to OSP for unknown reasons.

WARRANTS: The City of Moore will host a warrant-clearing event from April 20-24.

RESIGNED: The Chief of Police in Waurika has resigned.

DOC: DOC has moved 182 inmates from Jess Dunn CC in Taft, to other facilities because of “structural issues” on the second floor.

DIVERSION: A diversion program in Tulsa will assist first-time drug offenders and some current inmates obtain trade skills.

WACKY CRIME

UFO: Oklahoma’s Mutual UFO Network office needs an investigator. Training provided.

CHAOS: An in inmate managed to create chaos at the Washington County Correctional Center using...a spork.

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