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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

No notable cases.

This week was particularly horrible, with nine opinions resulting in nine unpublished affirmances. The resistance of the OCCA to reverse cases continues to get even worse, if that’s possible.

TENTH CIRCUIT

[United States v. Germaine Coulter, Sr.](#), No. 24-6026 (10th Cir., April 15, 2025) (Published) (Tymkovich, Carson & Federico) (W.D. Okla.): **Restitution:** Restitution order is affirmed in child sex trafficking case where the district court did not err in determining that Coulter was the but for cause for the injuries suffered by the victims.

[United States v. Brandon Keith Thompson](#), No. 24-4006 (10th Cir., April 15, 2025) (Published) (Hartz, Kelly & Rossman): **Possession (Firearm by Felon); Sufficiency; Commerce Clause; Jury Instructions (Theory of Defense):** Conviction for felon-in-possession of firearm is affirmed over claims relating to: 1) faulty jury instructions on actual possession; 2) denial of instruction on his theory of defense; 3) sufficiency of the evidence of actual possession; and 4) unconstitutional exercise of power under the Commerce Clause.

[United States v. Jorge Enrique Barragan-Gutierrez](#), No. 23-8032 (10th Cir., April 15, 2025) (Published) (Tymkovich, Ebel & Rossman): **Second Amendment:** Conviction for possession of firearm in furtherance of drug trafficking is affirmed over a challenge based on Second Amendment grounds. NOTE: Barragan-Gutierrez is not a citizen, and the panel noted that there is a circuit-split on the question whether noncitizens maintain a right to bear arms under the Second Amendment and the Tenth Circuit has not answered it.

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. William Dexter Lucas](#), No. 23-20602 (5th Cir., April 18, 2025): **Restitution; Waiver (Appeals Waiver):** Lucas obtained small business loans

fraudulently and entered pleas. The district court ordered restitution to both private institutions and the Social Security Administration. The panel held that his attack on the restitution order was not barred by an appeals waiver because he attacked the order as exceeding the statutory maximum; and that he prevailed on the merits regarding the restitution to the SSA.

2025 PATRICK WILLIAMS CRIMINAL DEFENSE INSTITUTE & OCDLA ANNUAL MEETING

The annual CDI will take place this year on June 26 & 27, 2025, at The Embassy Suites Northwest OKC. Click [HERE](#) for the registration form and agenda information.

The program looks loaded this year, and especially the presentation “Lessons Learned from Being Prosecuted: My Role as a Defense Attorney and the Examination of Ethics in the Process,” which will be presented by Winston Connor, who was prosecuted by the State and secured dismissal of the charges.

VICTORIES

ALLEN MALONE, Idabel, secured verdicts of Not Guilty for a client facing three counts of Lewd Molestation in McCurtain County. Great job, Allen!

[**STEVE STICE**](#), Norman, secured a verdict of Not Guilty in Canadian County for a client charged with murder in a deadly Halloween party shooting. Congrats, Steve!

HEARSAY

[**ABOUT FACE**](#): The Guthrie News Page has taken an in-depth look at the About Face Women’s Offender Program.

LAWSUIT: A wrongful conviction lawsuit alleged that the Tulsa Police Department and the Tulsa County District Attorney have engaged in a decades-long cover-up scheme.

OKC JAIL: Defense attorney/legislator turned Oklahoma County Commissioner Jason Lowe has toured the Oklahoma County Jail during his first week on the job, noting, “We have a lot of work to do.”

APPOINTED: Norman Municipal Judge Gail Blaylock has been appointed to the OJA Board.

DNA: The Tulsa Police Department has a new type of machine to search for and extract DNA.

CLEET: The Executive Director of CLEET has stepped down amid an investigation.

SCAM: A scammer inside the Oklahoma County Jail targeted inmates seeking bond.

LAWSUIT: The elderly Vietnamese man who was shoved to the pavement by an OKC police officer has sued the department and the Attorney General.

LAWSUIT II: Two women are suing Bartlesville and two of its police officers for false arrest and injuries sustain during different arrests.

WACKY CRIME

CHASE: A man traded the freeway for the fairway...by leading police on a slow-speed chase in a golf cart (and yes, the story has many groan-worthy puns).

KEYSTONE KOP: A Tulsa police officer, in hot pursuit of a jaywalking suspect, stopped his vehicle...but neglected to put it in park, which caused the police cruiser to roll into both the officer and the suspect, injuring both.

MOORE: A Moore police officer pulled over a woman and when he asked her child whether mom should get a warning or a ticket, the child replied...ticket!

REQUEST: A band playing at the recent concert in Stillwater received a request for a song...from a police sniper stationed on a nearby rooftop.

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