

**OCDW 04.27.26**

---

Category

**O • C • D • W**

**OKLAHOMA CRIMINAL DEFENSE WEEKLY**

[www.ocdw.com](http://www.ocdw.com)

04.27.26

[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**

---

[Michael Jahi Scott, Jr., v. State](#), No. F-2024-872 (Okl.Cr., April 23, 2026) (unpublished): **Retroactivity**: In this sex offense case out of Canadian County (the Hon. Paul Hesse, presiding), the Child Hearsay Statute was amended to increase the age from thirteen to sixteen for child declarants of certain statements of sexual abuse. This amendment was enacted after the crimes, but prior to trial. The Court held that there was no error. NOTE: This opinion contains a good discussion of the general rules governing prospective application of evidentiary rules.

[State v. Juan Hermilo Carrillo, Jr.](#), No. S-2025-662 (Okl.Cr., April 23, 2026) (unpublished): **State Appeals; Child Neglect**: In this Child Neglect case out of Oklahoma County, Special Judge Cassandra Williams granted a demurrer and the Hon. Cindy H. Truong as reviewing judge, affirmed. The State further appealed, and in this opinion, the Court affirmed, refusing to extend the Child Neglect statute to cover a 17-year-old employee.

## TENTH CIRCUIT

---

[United States v. Adam Joseph King](#), No. 25-5014 (10<sup>th</sup> Cir., April 21, 2026) (Published) (Matheson, Ebel & Carson): **Sufficiency; Indictments/Informations (Multiplicity)**: Sexual assault conviction in Indian Country resulted from an indictment that alleged that King was both an Indian and alternate counts alleging that he was not. He appealed based on sufficiency and multiplicitous indictment. The panel affirmed.

[United States v. Fabian Cobos Carpena](#), No. 25-5046 (10<sup>th</sup> Cir., April 21, 2026) (Published) (Matheson, Ebel & Carson): **Duress**: In this illegal re-entry case, the district court denied a requested jury instruction on the defense of duress. The panel affirmed.

## 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).*

[District of Columbia v. R.W.](#), No. 25-248 (U.S., April 20, 2026) (*per curiam*): **Search and Seizure (Reasonable Suspicion)**: Officer dispatched for “suspicious vehicle” at apartment complex at 2:00 a.m. He saw two persons flee from vehicle as he pulled up, and they left one of the car doors open. The driver proceeded to back up, but the officer blocked it in and seized the vehicle/driver at gunpoint. The lower court held there was insufficient reasonable suspicion to justify the seizure.

In this opinion, the Court reversed, holding that there was reasonable suspicion.  
NOTE: Justice Jackson dissented.

## **OTHER CASES OF NOTE**

---

United States v. Christen L. Clark, No. 24-4068 (6<sup>th</sup> Cir., April 16, 2026): **Guilty Pleas**: Clark was accused of multiple drug/firearms offenses and pled guilty. His counsel withdrew from the practice of law eleven days later because of pending disciplinary action. Clark moved to withdraw his pleas based on IAC and lack of knowing and voluntary nature of the pleas, but the district court denied the motion. In this opinion, the panel reversed and remanded for an evidentiary hearing.

## **VICTORIES**

---

*None noted.*

## **HEARSAY**

---

**OPEN RECORDS**: Tulsa P.D. is several months behind schedule in Open Records requests.

**ARRESTED**: Now-former DOC employee has been arrested for an inappropriate relationship with an inmate at Mack Alford C.C.

**JUDGMENT**: Taxpayers in Ottawa County are on the hook for \$33 million in a case involving the death of a jail inmate.

**LAWSUIT**: The Tenth Circuit has revived a civil rights lawsuit against Mack Alford C.C.

**SEXUAL ASSAULT**: The incidence of sexual assault in Oklahoma is twice that of the national average. Also, Forensic Magazine has posted five lessons learned from testing sexual assault kits.

**RESIGNED**: The Attorney General of the Osage Nation has resigned.

**ARRESTED**: An Oklahoma City man has been arrested after throwing concrete at an OKC PD police car.

**DOC**: In the first quarter of 2026, DOC has seized more than 1,000 weapons and arrested 14 persons trying to smuggle contraband. Also, **DOC** has a shortfall of over 400 correctional officers.

**MARSY'S LAW**: Payne County Associate District Judge Michael Kulling has ruled against the State and the family of the victim in its claim of a violation of Marsy's Law in a rape case.

**ARRESTED**: An employee of OKC KWTW 9 has been arrested for placing hidden cameras in a dressing room.

**AWARD**: A jury in federal court has awarded a family \$2 million in the death of a family member at the Oklahoma County Jail. Also, in order to save money, the **Oklahoma County Jail** will cut the number of employees watching inmates.

### **WACKY CRIME**

**LOVE**: A Tulsa woman in a polyamorous relationship decided that one of her romantic partners was not paying her enough attention...so she ran him down with her car.

**NUCLEAR**: Residents of south Tulsa were surprised to hear the Nuclear Attack Warning siren go off.

**FLED**: A young man who had been driving a stolen Hyundai tried to flee from the police...on a skateboard.

---

### **OKLAHOMA CRIMINAL DEFENSE WEEKLY**

**SUBSCRIPTIONS AND SUBMISSIONS**: No subscriptions are necessary. I will post the issues weekly to my web site: [www.ocdw.com](http://www.ocdw.com). Submissions of articles, war stories, letters, victory stories, comments or questions can be sent to Mr. Hankins via e-mail ([jameshankins@ocdw.com](mailto:jameshankins@ocdw.com)) or you can contact him by phone at 405.753.4150, by fax at 405.445.4956, or by regular mail at James L. Hankins, MON ABRI BUSINESS CENTER, 2524 N. Broadway, Edmond, OK 73034.

**ABOUT THE OCDW:** The *Oklahoma Criminal Defense Weekly* is compiled, maintained, edited and distributed weekly by attorney James L. Hankins. Archived issues can be obtained by contacting Mr. Hankins directly, although some of them are on the web site at [www.ocdw.com](http://www.ocdw.com). OCDW accepts no money from sponsors. Mr. Hankins is solely responsible for its content.

**COPYRIGHT STATEMENT & DISCLAIMER:** ©2005-2026 by James L. Hankins. All rights reserved. OCDW hereby grants free use of these materials for any non-commercial purpose provided that proper credit to the OCDW is given. In the event that copyrighted works are included in an edition of the OCDW such works may not be reproduced without the consent of the copyright holder because under federal law the OCDW has no authority to allow the reproduction of the intellectual property of others. For purposes that go beyond “fair use” of the copyrighted material under federal law, the permission of the copyright holder must be obtained. If you are a copyright holder and object to any portion of an issue of the OCDW, please contact the publisher, James L. Hankins, at the contact information above (located under the SUBSCRIPTIONS AND SUBMISSIONS section). Finally, the materials presented in this newsletter are for informational purposes only, and are not, nor intended to be, legal advice or to create an attorney-client relationship. You should consult an experienced attorney licensed in your jurisdiction for legal advice applicable to the specific facts of your case. Cases are summarized in each weekly issue as they are issued and filed by the respective court, and are thus subject to being withdrawn, corrected, vacated, and/or modified or reversed without notice. Always conduct your own research!