

OCDW 04.28.25

Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

www.ocdw.com

04.28.25

[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

[Couch v. State of Oklahoma ex rel. Department of Public Safety](#), 2025 OK 26 (April 22, 2025): **DUI (DPS)**: Couch was arrested for DUI, agreed to a breath test, but the test was invalidated. However, his license was revoked anyway based on “other competent evidence.” The Courts of Appeals had reached conflicting conclusions whether a license revocation could be sustained when the test is invalidated. The Court held that revocation may be warranted even if the test is invalidated. NOTE: Justice Rowe, C.J., and Justice Gurich, dissented.

APPOINTED: Gov. Stitt has appointed Slapout, Oklahoma, native Travis V. Jett, as the newest justice of the Oklahoma Supreme Court.

TENTH CIRCUIT

[United States v. Early Willard Woodmore, III](#), No. 23-7057 (10th Cir., April 18, 2025) (Published) (Holmes, C.J., Seymoure & Ebel) (E.D. Okla.): **Jury Instructions (Counsel Interviews w/Witnesses; Methamphetamine; Judicial Bias:** Convictions in a drug trafficking case are affirmed over claims related to: 1) improper jury instruction on right of counsel to interview witnesses; 2) improper instruction on definition of “methamphetamine (actual)”; and 3) a claim of judicial bias when the district court resolved a custody dispute.

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. Jarohn Parham](#), No. 23-4249 (4th Cir., February 26, 2025): **Federal Sentencing Guidelines (Crime of Violence):** In this felon-in-possession of firearm case, sentence is vacated because a prior conviction for common law robbery under Virginia law does not count as a crime of violence.

[United States v. Dashawn Leonard Garrett](#), No. 22-4407 (4th Cir., February 19, 2025): **Guilty Pleas:** Guilty plea vacated based on newly discovered evidence of egregious police misconduct that affected the integrity of the prosecution and prosecutorial misconduct that blocked his ability to understand the case against him.

VICTORIES

JARROD STEVENSON, OKC, represented a client in Kay County who was accused of drug distribution but a customer apparently overdosed and died, so the State charged him with First Degree Murder. Not so fast, said Jarrod, you have to prove that! Although the jury found the client guilty on the background drug charges, the jury acquitted on the major charge of murder. Nice work, Jarrod!

HEARSAY

PAROLE: Gov. Stitt has granted parole for a man convicted of a murder he had committed at the age of 15.

CONTRABAND: Three persons have been arrested in a scheme involving labeling falsely documents as legal mail that had been soaked in fentanyl and meth then mailed to an inmate at the Oklahoma County Jail.

NOISE: Noisy construction near the Tulsa County Courthouse has delayed some jury trials.

RESIGNED: The Chief of Detention at the Cleveland County Jail has resigned one day after a detention officer was attacked by an inmate.

RIP: Retired Comanche County Associate District Judge Charles William “Bill” Stratton has passed.

WACKY CRIME

LAWTON: Someone went to a car dealership in Lawton and stole...an inflatable gorilla.

OKLAHOMA CRIMINAL DEFENSE WEEKLY

SUBSCRIPTIONS AND SUBMISSIONS: To subscribe to the *Oklahoma Criminal Defense Weekly* just send an e-mail to James L. Hankins at jameshankins@ocdw.com and include the e-mail address to which you want the

issues to be delivered. I am sending out the issues for free now to whoever wants to receive them. Submissions of articles, war stories, letters, victory stories, comments or questions can be sent to Mr. Hankins via e-mail 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. OCDW accepts no money from sponsors. Mr. Hankins is solely responsible for its content. The OCDW web site is maintained by [Spark Line](#).

COPYRIGHT STATEMENT & DISCLAIMER: ©2005-2025 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!

UNSUBSCRIBE

If you have received this e-mail in error, or no longer wish to receive the weekly newsletter, simply reply to the message, or send a new message, to jameshankins@ocdw.com and type in “UNSUBSCRIBE” in the subject line, along with your name and e-mail address and you will be taken off the mailing list.