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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

[Lonnie Keith Sorrell v. State](#), 2026 OK CR 16 (April 30, 2026): **Prosecutorial Misconduct (Bolstering/Vouching)**: Sorrell was convicted by jury in McClain County (the Hon. Charles N. Gray, presiding) of Lewd Acts u/12. The Court affirmed over claims relating to: 1) bolstering the testimony of the complaining witness (some bolstering found, but no plain error); and 2) running the sentences consecutively. **NOTE**: The opinion stated that the cases from the Court have not defined improper bolstering, so it did so in this opinion, concluding that bolstering is “preemptive rehabilitation of a witness.”

[The City of Oklahoma City v. Gerrod Josef Miskovsky](#), No. 24-0087441 (Oklahoma City Municipal Court, April 16, 2026): **Search and Seizure**

(Curtilage): In this improbable 55-page opinion from the Oklahoma City Municipal Court Judge Donald Kiffin, the Court rejected two claims regarding defects in the charging document and discovery issues, but granted a motion to dismiss based upon illegal search when the officers conducted a warrantless arrest of the garage.

TENTH CIRCUIT

[United States v. Thomas Edward Petro](#), No. 25-5028 (10th Cir., April 27, 2026) (Published) (Holmes, C.J., Kelly & Federico) (N.D. Okla.): **Prosecutorial Misconduct (Improper Argument):** Petro was convicted by jury of Coercion/Enticement of a Minor. On appeal, he argued that the prosecutor made improper remarks during closing arguments regarding the presumption of innocence. In this remarkable opinion, the Court agreed, finding plain error.

[United States v. Lee Holt](#), No. 25-5078 (10th Cir., April 24, 2026) (Published) (Tymkovich, Murphy & Moritz) (N.D. Okla.): **Search and Seizure (Search Warrants; Sufficiency); Confidential Informants:** Police suspected Holt of selling drugs out of his home, so they secured two search warrants, one from a tribal court and the other from a state court. The tribal court issued the warrant, but the state court judge made police beef up the affidavit. The district court denied the motion to suppress on good faith, and in this case the panel affirmed on sufficient PC and good faith; and also denied a claim that the district court erred in denying a motion to reveal the confidential informant.

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. Jamaion Wilson](#), No. 24-10633 (5th Cir., April 30, 2026) (*per curiam*): **Second Amendment**: This is a denial of a petition for *en banc* review by a vote of 10-7 concerning the constitutionality of machine guns under 18 U.S.C. § 922(o). The various opinions offer insight into litigating these issues, and the dissent use the word “hoplophobia”—the irrational fear of firearm.

VICTORIES

JOI MISKEL, OKC, secured a verdict of Not Guilty in a jury trial down in Comanche County involving a client accused of Murder I and A&B w/Deadly Weapon. DA was Kyle Cabelka. Trial judge was Judge Meaders, whom Joi stated was very fair. The accusation involved gang-related facts, which resulted in a brawl between the families outside the courtroom. Great win, Joi!

BRECKEN WAGNER, McAlester, represented a client in a case resulting from a fight that occurred in the client’s home between the brother-in-law and the client’s son. Client got involved and ended up with A&B w/Great Bodily Harm and Maiming (biting the nose). Defense of another carried the day with verdicts of Not Guilty delivered in under an hour. Nice work, Brecken!

HEARSAY

THEFT: The Guthrie Police Department has announced an initiative to reduce firearm theft.

JUDGE: Enid attorney Andrew Ewbank is the new municipal judge for the town of Hennessey.

FIRE: A Tulsa County deputy has been fired and subsequently arrested for assaulting an inmate at the county jail.

DOWN: Crime in Wagoner County is down significantly since 2022. Also, **domestic homicides** in Oklahoma are down over the last decade.

OJA: Sharon “Shel” Millington has been confirmed as the Executive Director of the Office of Juvenile Affairs.

FLOCK: The link goes to a website where FLOCK cameras can be located.

PARKING: In an apparent response to a story about a man who had received a fake parking ticket after the OKC Marathon, the City of OKC issued a release stating that private property owners may issue “parking notices” for illegal parking on private property.

WACKY CRIME

SAVED: A Tulsa police detective rescued a stranded kitten...only to have it crawl under the dashboard to hide, which required dismantling the dashboard to save it again.

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SUBSCRIPTIONS AND SUBMISSIONS: No subscriptions are necessary. I will post the issues weekly to my web site: 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) 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.

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