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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

[Swager v. State](#), 2024 OK CR 12 (May 2, 2024): **Interrogations (Fifth Amendment); Evidence (Victim Impact)**: Swager was convicted by jury in Delaware County (the Hon. Barry V. Denny, presiding) of multiple sex offenses against a child. The Court affirmed over claims related to: 1) admission of confession allegedly coerced when an investigator promised to help and preyed upon mental weakness (unpreserved, no plain error); and 2) erroneous victim impact statement at formal sentencing that went beyond the impact of the crime on the family (unpreserved, no plain error). NOTE: I am not sure why this case was published since both claims were unpreserved, other than to signal to us that basically any victim impact error is going to be deemed harmless since it is impossible to show it affected the decision of the trial judge.

## TENTH CIRCUIT

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*No new cases.*

## UNITED STATES SUPREME COURT

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“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

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[Donald Herrington v. Chadwick Dotson, Director](#), No. 22-6272 (4<sup>th</sup> Cir., April 30, 2024): **IAC (Appellate Counsel)**: Denial of habeas relief is reversed on the basis of IAC appellate counsel regarding a jury instruction claim.

## VICTORIES

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[JOI MISKEL](#), OKC, secured an acquittal for her client charged with Second Degree Murder in Comanche County. Great job, Joi!

[CLAY SHEPPERSON](#), OIDS Lawton Office, secured an acquittal for a client in what the press called the door dash bash. Great job, Clay!

[BRECKEN WAGNER](#), McAlester, secured an acquittal in tribal court at the Choctaw Judicial Center in Durant. Great work, Brecken!

## HEARSAY

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**MCGIRT**: On the release of Jimcy McGirt, the man who started it all, Gov. Stitt described the legal landscape as “a crazy, crazy scheme that he shouldn’t be tried as an Oklahoma.” Defense attorney **Richard O’Carroll** also had some comments.

**ARRESTED**: An office assistant at an Edmond doctor’s office has been arrested for practicing medicine without a license.

**HISTORY**: The nation’s first “Yield” sign was created by a Tulsa police officer.

**RETIRED**: The Oklahoma Voice covered the retirement of Jeri Askins.

**RETIRED II**: The Chief of Police in Tulsa has announced his retirement.

**DEATH**: Oklahoma Watch took a look at the circumstances of an inmate’s murder at Lawton Correctional Facility.

**DISMISSED**: Despite being arrested for DUI, a City Council member in Durant got the case dismissed because no intoxicating substances were detected.

**COMMENT**: Tulsa County District Judge Kurt Glassco commented on the Tulsa County Courthouse employee who was killed near her apartment.

**CRACKDOWN**: Tulsa police have cracked down on reckless motorcycle riders as a result of a fatal crash.

**CRASH**: An intoxicated driver going the wrong way in Tulsa hit two Tulsa police cruisers.

**CONFESSION**: In what is said to have been a “bizarre confession” a motorist told an OHP trooper that he had murdered a woman in Edmond in 2016.

**JUSTICE SYSTEM**: Defendants in Mississippi are getting locked up for months on end without being charged and therefore not eligible for a public defender.

**DEAL**: The City of Lawton is offering community service in lieu of fines or jail.

**EXPLAINED**: An investigator in Rogers County explained how child porn downloads are tracked.

**P.O.**: A protective order has been filed against the Chief of Police of the town of Oilton.

**JUDGE**: Attorney Bobby Don Gifford is also a tribal court judge for the Seminole Nation when he's not defending the accused.

**JAIL**: Oklahoma County may not have enough money to build a new jail.

**NEW**: The City of Lawton has a new city attorney.

**UNIT**: The Muskogee Police Department unveiled its Medical Support Unit, the first of its kind in Oklahoma.

**ARRESTED**: A detention officer at the Tulsa County Juvenile Center has been arrested for inappropriate relationship with a resident.

**GUILTY**: A now-former employee at the Nowata Court Clerk's Office has pled guilty to using unlawfully the seal of the Court Clerk.

## **WACKY CRIME**

**SAFE**: A Caddo County man stole a 900 lb. safe, apparently single-handedly.

**NOT SMART**: The Post Office is not the ideal carrier for delivering illegal drugs.

**HEADLINE**: "Northeast Oklahoma Man Sentenced After Being Ranked First In the State for Child Porn Downloads."

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