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Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

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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 cases of note.

TENTH CIRCUIT

[United States v. Joel Ruiz](#), No. 24-2128 (10th Cir., May 5, 2026) (Published) (*en banc*): **Indians**: This is an order granting *en banc* review on petition by the Government on several issues related to the General Crimes Act and whether non-Indian status is an element that must be alleged in the indictment, and the various

burdens of proving this. NOTE: If you have such an issue, be aware that these issues are floating out there and will be resolved by the *en banc* court.

[United States v. Heather Nicole Bycroft](#), No. 24-7069 (10th Cir., May 5, 2026) (Published) (Holmes, C.J., Ebel & Carson) (E.D. Okla.): **Evidence (Bad Acts)**: In this case involving production of child porn, the district court did not err in admitting evidence that the accused had recorded videos of adult females as well since it was relevant and served two other purposes.

[United States v. Kalin Marie Campbell](#), No. 24-5086 (10th Cir., May 5, 2026) (Published) (Bacharach, Murphy & Rossman) (N.D. Okla.): **Indians; Federal Sentencing Guidelines (State Court Convictions)**: Campbell challenged her sentence because it was based on prior state convictions which she argued were rendered by state courts lacking subject-matter jurisdiction under *McGirt*. The panel rejected this argument and 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)*.

No new cases.

OTHER CASES OF NOTE

[United States v. Hatchet M. Speed](#), No. 23-4308 (4th Cir., May 5, 2026): **Second Amendment (Silencers)**: Speed was convicted by a federal jury of unlawful possession of an unregistered silencer. The panel affirmed based on circuit precedent, but the opinion contains a good discussion of this area of the law. NOTE: Judge Richardson concurred, but only based on circuit precedent, and indicated that he would likely reach a different result based on his reading of the Second Amendment. Also, “gun people” like me call them suppressors since they

do not actually silence the gun, but the statute says “silencer” so that is the term we use. Finally, how could I not include a case with a litigant named Hatchet Speed?

[United States v. Daniel Dale Barton, Sr.](#), No. 25-3364 (6th Cir., May 6, 2026):

Supervised Release; Judicial Bias: Barton was on supervised release on a child porn case, but violated. The district court gave him a choice: six months in prison or continue on probation—but if there was a further violation then he would get the maximum. Sure enough, he violated again and got the max. The panel held that this process was procedurally and substantively unreasonable. NOTE: When I started in Garfield County working for Stephen Jones, we had a district judge who did the same thing. He was very lenient in handing out suspended/deferreds, even on a blind plea, but he always gave the warning to the client that he was placing his trust in the client and that any violation would result in the maximum. He followed through on this many times. I think I appealed him twice on it, lost one and the OCCA modified the sentence on another, but the OCCA did not really find any error in that process.

[United States v. Jayden Douglas Richard Vacchino](#), No. 25-50194 (5th Cir., May 7, 2026): **Judgment and Sentence:** A mandatory condition that the Defendant must inform the court of his financial status is vacated because it was included in the written judgment but announced orally during sentencing.

VICTORIES

[TONI CAPRA](#), Lawton, had a hard-fought sex crimes case in Comanche County that ended in a split verdict, but it included a Not Guilty verdict for a Rape count. Nice work, Toni!

HEARSAY

JAIL: The Oklahoma County Sheriff and the District Attorney had a heated exchange during a meeting of the Jail Trust.

CHOCTAW: The Choctaw Nation has opened a second tribal Judicial Center, this one located in McAlester.

CONSOLIDATION: The town of Haskell plans to build a 15,000 square-foot Public Safety complex that will house all services under one roof.

HACKED: Hackers have stolen \$212,000.00 from Johnston County.

POLITICS: A grand jury has issued a “report” (I do not know what this means) that accused Gov. Stitt of favoritism towards Sara Polston. Also, story **HERE**.

JUDGES: 138 Oklahoma judges (91%) that are running for re-election are unopposed.

BATSON: Story asking the question if the promise of *Batson v. Kentucky* has been fulfilled.

COLD CASE: The Oklahoma House has recognized the OSBI Cold Case Unit for solving 98 cases since its inception in 2018.

RESIGNED: Attorney General Drummond has announced the plea, and resignation, of the Cleveland County Sheriff.

JURORS: The Oklahoma District Courts have partnered with the O.U. College of Law to launch a program to help jurors experiencing emotional or psychological distress following jury service in difficult criminal cases.

JUDGE: Former Oklahoma County Public Defender Brian Young is the newest judge on the City of Oklahoma City Municipal Court.

FAKE: A man returned to his car after the Oklahoma City Marathon...to find it had a fake parking citation on it.

CHIEF: The City of Lawton has named Craig Akard as the new Chief of Police.

COSTS: The fees and costs associated with a ticket in Tulsa can far exceed the actual fine for the offense.

ARRESTED: An OKC firefighter has been arrested for planting a camera in the bedroom of a juvenile female and filming her.

LEAVE: Two Choctaw police officers have been placed on leave after inappropriate contact with a juvenile.

RESIGNED: The Okfuskee County Sheriff has resigned after a high-profile inmate escape.

HACKED: Hackers penetrated the Ardmore Police Department database, but were ultimately unsuccessful in obtaining a ransom.

INMATES: A stolen tablet has resulted in the murder of an inmate at Mack Alford Correctional Center, and the subsequent charging of two inmates.

MCGIRT: The Muscogee Nation is fighting to keep the *McGirt* decision alive.

CHAOS: Disbarred Oklahoma attorney Ron Durbin has left behind chaos.

SETTLEMENT: An O.S.U. co-ed who was strip-searched by Stillwater Police in 2002 for no good reason has settled for \$2.5 million.

ARRESTED: A DHS employee has been arrested for misappropriating \$2 million.

MISTRIAL: A mistrial has been declared in a murder case in Bryan County after jurors conducted some internet research and shared the results with other jurors.

OPEN RECORDS: Medial outlets Oklahoma Voice and The Frontier have sued the Department of Corrections for violations of the Open Records Act.

WACKY CRIME

QUEEN: A Florida woman found in a tree wearing a squirrel costume, throwing acorns at police, shouted, “I am the squirrel queen!”

COWETA: A Coweta man shot at a county emergency drone deployed to search for a missing child...claiming that he had been “previously authorized to shoot at drones.”

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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

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