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Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

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[James L. Hankins,](#)
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(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 new cases of note.

RETIRING: Hon. Gary L. Lumpkin, P.J., of the Oklahoma Court of Criminal Appeals is retiring effective January 1, 2027.

TENTH CIRCUIT

[United States v. Michael Joseph Dias](#), No. 25-6028 (10th Cir., May 6, 2026) (Published) (Phillips, McHugh & Eid) (W.D. Okla.): **Burks Notice/Bad Acts; Sufficiency; Federal Sentencing Guidelines (Reasonableness); Second Amendment:** Conviction and sentence for felon in possession of ammunition is affirmed over claims related to: 1) admission of prior conviction for felon in possession of firearm (the panel found this was error because the evidence was not relevant, but found the error harmless); 2) sufficiency of the evidence; 3) the substantive reasonableness of his sentence; and 4) a facial constitutional challenge to the statute under the Second Amendment.

[United States v. Brandon David McCarthy](#), No. 25-5026 (10th Cir., May 6, 2026) (Published) (Hartz, Tymkovich & Eid) (N.D. Okla.): **Indictments:** Although unprocessed poppy seeds are not controlled substances, they may be used as a precursor in the manufacture of such substances. The district court dismissed the indictment, but the Government appealed. In this opinion, the panel reversed and re-instated the charges.

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

[State v. Richard Alexander Murdaugh](#), No. 2023-392 (S.C. Sup. Ct., May 13, 2026): **Jurors:** The gruesome and fascinating prosecution of Richard Murdaugh kept the attention of the public for a long time, and he was eventually convicted of

murder. However, in this opinion, the Court reversed based on improper juror contact by the Court Clerk.

VICTORIES

TOMMY ADLER & BLAYNE ARMENDARIZ, OKC, represented a client in Kingfisher County charged with a series of rapes involving his 12-year-old daughter over the course of a month. The defense was able to kick nine jurors for cause because they admitted that they could not give the accused a fair trial. The defense exposed the cursory and shoddy police investigation, and even overcame DNA evidence. Client testified. Trial judge was Hon. Paul Woodward. Prosecutors were Jimmy Bunn and Jennifer Layton. The jury was out about two hours before returning 14 verdicts of NOT GUILTY, all counts. Great job, Tommy & Blayne!

CLAY SHEPPERSON, OIDS Lawton Office, represented a client in Comanche County, accused of Child Sexual Abuse. After a three day trial, the jury returned a verdict of NOT GUILTY. Nice work, Clay!

MORGAN MAXEY, Vinita, secured a Not Guilty verdict in Wagoner County for a client accused of Assault and Battery on a Police Officer (after another felony case dismissed). Prior to trial, Morgan was able to have a prosecutor removed based on comments made about the accused, and also had numerous witnesses disqualified for discovery violations. Great job, Morgan!

HEARSAY

GLOSSIP: Long time former death-row inmate Richard Glossip has been granted a bond in Oklahoma County...which has apparently been posted by Kim Kardashian.

PRISON FOOD: The Marshall Project examined prison food, including Aramark's food service program, which is the new food service provider for DOC.

NEW CHIEF: Andrew Ward has been named the new Chief of Police in Bartlesville.

STUDENTS: In the wake of the shooting at Arcadia, several school districts have reached out to a company that developed technology that detects gunfire and directs students to safety.

TRANSPORT: The Presiding Judge in Oklahoma County has issued an order directing the Oklahoma County Sheriff to resume transporting jail inmates to court.

OFFICE: The new Bryan County District Attorney's Office will be ready for occupancy at the end of this year.

DNA: The Ardmore Police Department has acquired the state's fifth rapid DNA machine.

CHIEF: Chris Foster is the new Chief of Police in Waurika.

LAW: A new retail/identity theft law goes into effect on November 1, 2026.

WACKY CRIME

EXPIRED: A deputy in Oklahoma County pulled over a motorist who had a paper tag...that had expired in 2022.

IMPERSONATOR: A Maryland man impersonated a bail enforcement officer on the Indian Nation Turnpike near McAlester.

THIEVERY: Three men broke into a closed gas station in Ardmore...and stole bongs.

HOMICIDE: A homicide in Southeast Oklahoma City has been attributed to...an uncooked hamburger.

UNUSUAL: Edmond police responded to an unusual call in an Edmond neighborhood.

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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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