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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

[State of Oklahoma, ex rel. Jack Thorp, District Attorney v. \\$20,000.00 in U.S. Currency](#), No. 123,607 (Okla. Civ. App., Div. III, May 26, 2026): **Forfeiture:** OHP effected a traffic stop and seized \$20,000.00 in cash, State filed a forfeiture action but the Hon. J. Jeffrey Payton dismissed. The panel affirmed on the basis that the State’s pleadings failed to state a proper claim.

TENTH CIRCUIT

[United States v. Cameron Watkins](#), No. 23-6210 (10th Cir., May 11, 2026) (Published) (*en banc*): **Search and Seizure (Warrantless of Motel)**: This is the case where the police officer peered into a motel room and could see through the one-inch gap in the curtains to see the entire room. Panel rehearing and rehearing *en banc* are denied, but Judge Hartz concurred in the denial after canvassing peeping Tom statutes in all 50 states; and Judge Moritz dissented on the basis that the Court had the opportunity to correct a significant erosion of the Fourth Amendment.

[United States v. John Sterling Coad](#), No. 25-1034 (10th Cir., May 11, 2026) (Published) (Holmes, C.J., Phillips & Carson): **Insanity & Competency**: Coad has been ruled incompetent for years after threatening a state prosecutor, is competent when on meds, but does not take them. The panel affirmed his temporary hospitalization for possible dangerousness certification.

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)*.

[Pitchford v. Cain](#), No. 24-7351 (U.S., May 28, 2026): **Peremptory Challenges**: Conviction in Mississippi is vacated on a Batson error where the state appellate court found a waiver by the defense to rebut the race-neutral reasons proffered by the State for striking black jurors in a case with a black defendant. NOTE: This is a 5-4 opinion with the dissenters leaning on AEDPA deference.

[Fernandez v. United States](#), No. 24-556 (U.S., May 28, 2026): **First Step Act**: In a case where there were credible *Brady* violations impugning the jury verdict of guilt, Fernandez sought compassionate release arguing among other things that a “compelling reason” was that there were doubts as to his guilt. The Court resolved a circuit split, holding that this is not a proper consideration, and that attacks on the validity of the conviction must be brought under 2255. NOTE: This is one of those legal rulings that make no sense to normal people, the fact that the Government cheated to get a conviction cannot be considered as a compelling factor for early release from prison.

[Rutherford v. United States](#), No. 24-820 (U.S., May 28, 2026): **First Step Act:** Stacked sentences for firearms possession during a crime of violence that would be reduced under “compassionate release” provisions if they had not been committed prior to the enacted of the Act are affirmed because non-retroactive changes to sentencing cannot be used as reasons for compassionate release.

[Whitton v. Dixon](#), No. 25-580 (U.S., June 1, 2026) (*per curiam*): **AEDPA; Capital Habeas Cases; Standard of Review:** Capital habeas case out of Florida involving a jailhouse snitch who testified he had no criminal record when he actually had a juvenile record and the State knew about it. The Eleventh Circuit affirmed the denial of habeas relief, concluding that Florida courts were not unreasonable in holding that the testimony was harmless; however, in doing so it also considered post-trial DNA evidence which the jury never heard. The Court found that this was error and vacated the opinion.

OTHER CASES OF NOTE

[United States v. Peter Villa Cordova](#), No. 24-50564 (5th Cir., May 20, 2026) (*per curiam*): **Second Amendment:** Felon-in-possession after convictions for drug possession and evading arrest via motor vehicle are affirmed over a Second Amendment challenge. This opinion has a good discussion on the Second Amendment and two concurring opinions also addressing this topic in-depth.

VICTORIES

PATRICK WEIGANT & KYLE KILLAM, Tulsa County P.D., heard the Not Guilty verdict in a First Degree Murder case in Tulsa County, with no lesser-included instructions and no self-defense instructions, just plain old good lawyering as Jack Gordon said. Great job Patrick and Kyle!

LAURYN WILSON & WADE JAMESON, Tulsa County P.D., defended successfully a client accused of living within 2000 feet of a school. The jury was out 30 minutes and this was Lauryn’s third Not Guilty verdict in a row (she is no 3 for 3). Outstanding work Lauryn and Wade!

JAMES BENITEZ, Ponca City, handed Brian Hermanson another loss in Kay County, this time on behalf of a client accused of Unauthorized Use of Motor Vehicle. Two day trial, Mr. Hermanson was the prosecutor, and the only eyewitness was a habitual liar who essentially did what she had accused the client; and once James showed the jury the photos of injuries, the jury returned a verdict of Not Guilty in 30 minutes. Nice work, James!

KEATON TAYLOR & ZACK SMITH, Tulsa, secured a Not Guilty verdict in a case involving an accusation of Solicitation for Murder. Great work, Keaton and Zack!

HEARSAY

OPEN RECORDS: The City of Claremore wants \$17,125.44 to provide records relating to an arrest.

APPOINTED: Gov. Stitt has appointed Josh Anderson as the new head of the Department of Mental Health.

PERSPECTIVE: Interesting story from The Marshall Project about restitution, but also about the criminal justice system from the perspective of the accused.

EDUCATION: The Washington County Sheriff's Office plans to expand educational programs for inmates.

DEFERRED: Former Garfield County Judge Brian Lovell has received a deferred sentence in Texas.

ARRESTED: A contract worker for DOC has been arrested for smuggling contraband into Allen Gamble Correctional Center.

RIP: Former Nowata County Sheriff James Hallett has passed.

HISTORY: OHP featured a 1937 patrol car during a cruise down Route 66.

RESIGNED: Cleveland County Special Judge Scott Brockman has resigned.

TRAP: The "Oklahoma Predator Prevention" group set up a sting and live-streamed the arrest of two men in Sapulpa.

ADVICE: Tulsa attorney Keith Flynn has offered some advice for parents.

INVALID: The Oklahoma Supreme Court has invalidated the criminal justice agreement between the City of Tulsa and the Muscogee Nation.

ARREST: Police in Tulsa arrested an 11-year-old for pointing a pellet gun at them and for attempting to rob another boy.

CONVICTED: Brent Swadley has been convicted of fraud. A.G. Drummond stated, "We trusted a fraudster" to the tune of \$3.1 million.

JUDICIAL CANDIDATE: Kay County judicial candidate Scott Loftis described his take on justice: "In closing, Loftis said that he once had someone tell him that there are two ways to practice law, the Barney Fife way and the Andy Taylor way. He said that he tries to do it the Andy Taylor way. He added that he believes himself, Turner and Davis will follow the law if elected but that the public would see a difference in the exercise of discretion if he is elected." Loftis has also filed a **lawsuit** against three members of the Oklahoma Council on Judicial Complaints.

AUTONOMOUS: OHP, DPS, and ODOT are preparing for fully autonomous trucks on the state's highways.

RENAMED: The Lawton Correctional Facility, which was re-named Red Rock Correctional Center, will be re-named once again as the Chief James Smith Correctional Center in July, named after a late police chief in Lawton. Also, there has been a **stabbing** there recently. Also, DOC found a lot of **contraband** headed there.

FOOD: So many students have complained about the food served by Aramark (the DOC food vendor for inmates) that Tulsa Public Schools are ending the contract.

JUDGMENT: Story about the devastating effects that a judgment can have on a county.

CITATIONS: Eastern District Magistrate Judge Jason A. Robertson has ordered the City of Henryetta to cease issuing criminal citations to Native Americans within city limits.

SHANK: A Tulsa County Detention Officer was shanked by an inmate.

911: 911 operators in Owasso send drones that have been strategically placed in the city to nearly every call.

CHIEF: Nick John will be the new Chief of Police in Enid.

MOUNT UP: Mounted police are on patrol in Tulsa.

ARSON: Someone set the Adair County Sheriff's house on fire.

WACKY CRIME

CLASS: The City of Nichols Hills held a party to inaugurate a nicely-decorated...garbage truck.

PRO SE: A man accused of Trafficking 19 pounds of fentanyl in Oklahoma County chose to represent himself...and it went about as you would expect.

TULSA: Tulsa police arrested a woman after the owner of an air B&B saw her stolen vacuum cleaner on Facebook Marketplace.

CHARGED: An inmate at Red Rock Correctional Center has been charged with a Broom Handle Beatdown.

REMINDER: A.G. Gentner Drummond has reminded us that it is illegal...to shoot at utility workers.

SURPRISE: A woman in Alva decided to surprise her ex-boyfriend with a visit to his house...where she found him with another woman and proceeded to assault both of them with a door frame.

THIEVES: Tulsa police caught two men caught stealing TVs...from a train.

THREATS: A man threatened to shoot up the Wagoner County Courthouse...because he could not file a police report there.

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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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