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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

*No cases of note. This is another week where the Court issued seven opinions and every one of them affirmed.*

### TENTH CIRCUIT

[United States v. Dante Rovon Peppers](#), No. 23-3112 (10<sup>th</sup> Cir., May 30, 2025) (Published) (Tymkovich, Ebel & Eid): **Conspiracy (Constructive Amendment); Hearsay (Statement Against Interest); Supervised Release:** Drug conspiracy convictions and revocation of supervised release are affirmed over claims relating

to: 1) constructive amendment of the indictment; 2) exclusion of defense investigator hearsay testimony as to statements made by a non-testifying co-conspirator; and 3) lack of jurisdiction over supervised release for a 2016 conviction, based upon a 2023 drug trafficking conviction, even though the supervised release term expired prior to the conclusion of the 2023 drug trafficking prosecution.

[United States v. Andy Nahkai](#), No. 24-4058 (10<sup>th</sup> Cir., June 3, 2025) (Published) (Hartz, Kelly & Rossman): **Interrogations (Fifth Amendment)**: The district court suppressed statements made to law enforcement in an unlocked police car parked outside a home. The Government appealed, arguing that there was no “custody” and the panel agreed and reversed the suppression order. NOTE: Judge Rossman dissented.

## **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)*.

[Esteras v. United States](#), No. 23-7483 (U.S., June 20, 2025): **Supervised Release**: The statutes governing *initial sentencing* considerations include a long list of factors for the district court to consider. Likewise, the statutes governing revocation of supervised release contain a long list of factors. The issue here is whether the district court can consider the sentencing factors when assessing a sentence upon revocation of supervise release. The Court held that it cannot.

## **OTHER CASES OF NOTE**

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[United States v. Brian Carpenter](#), No. 24-11076 (5<sup>th</sup> Cir., June 20, 2025): **Jurors**: Convictions for Healthcare Fraud and Conspiracy are reversed because the district court abused its discretion when it excused a juror mid-trial. NOTE: Judge Ho dissented.

## **VICTORIES**

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**AARON EASTON**, OKC, is listed as counsel in a case where the State had accused a woman of a misdemeanor charge of Slander (do not see that very often) in Comanche County. Not to worry though, because the jury saw it otherwise and issued a verdict of Not Guilty. Nice work, Aaron!

**SAMANTHA SWAIM & DEBBI MADDOX**, Norman OIDS, represented a client charged with Burglary in the First Degree. Client had been jailed for 10 months, offer was 5 in and 2 out. Acquitted on the Burglary and convicted on Breaking and Entering. All over a bike. Great work, Samantha & Debbie!

**JOI MISKEL**, OKC, secured a full acquittal for a client charged with Domestic A&B by Strangulation and a second fall-back count of Domestic A&B in Logan County. Judge Duel presided and the State was represented by Sarah Conley. The case was won with strong cross of the complaining witness, and the client testified to explain some statements made to police. Great work, Joi!

**CLAY SHEPPERSON**, Lawton Office OIDS, represented a client accused of Robbery. According to the article, the jury returned a verdict of Not Guilty. Nice work Clay!

## **HEARSAY**

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**CHALLENGE**: Wagoner County District Attorney Jack Thorpe has challenged the grant jury petition filed against him and other officials.

**RECONSIDERATION**: The case of the only woman on death row in Oklahoma is under review once again by the OCCA upon remand from SCOTUS.

**FAIL**: The Oklahoma County Jail has failed another surprise inspection.

**PLOT**: The man who plotted an attack on the football stadium at O.U. is the son of Blanchard's Deputy Police Chief.

**COCKFIGHTS**: A video apparently shows officers of the Oklahoma Gamefowl Commission at illegal conckfights.

**MISSED**: The Department of Mental Health has missed a deadline for providing better competency restoration services.

**GRAYKEY**: Cleveland County Commissioners have approved the \$60,000.00 purchase of “GrayKey” equipment for law enforcement to use to break into iPhones and Android phones.

**VOIDED**: Just as quickly as it was announced, Oklahoma’s food service contract with Trinity Services Group was voided because Aramark, a competing bidder, has filed a protest.

**COCAINE**: Apparently, cocaine is making a comeback in Oklahoma.

**DEFEND**: The Ottawa County District Attorney has defended a plea agreement made with a man accused of sexual battery.

**REEFER**: Dispensaries in Tulsa have been targeted in the past few weeks.

**ICE**: Oklahoma’s closed prisons could become ICE detention centers.

**UNSAFE**: FBI data suggests that Oklahoma is not a safe place to live.

**CRASHES**: Motorcycle crashes are on the rise in Tulsa.

**GLOSSIP**: Attorney General Drummond has announced that Richard Glossip will be prosecuted in a non-capital murder case.

**RETIRIED**: Presiding Judge Philippa James of the Oklahoma City Municipal Court has announced her retirement.

**HIGH**: Even after years of supposed reforms, Oklahoma still has one of the highest incarceration rates for women.

**CHARGED**: A Blackwell police officers has been charged with Assault and Battery after roughing up a detainee in handcuffs.

**ACCUSED**: A Cleveland County Commissioner has accused the Cleveland County Sheriff of using courthouse cameras to surveil the Commissioners and other elected officials.

**MEDICAL**: The Choctaw County Jail has acquired some Star-Trek-like medical equipment.

## WACKY CRIME

**CAPTURED**: The Oklahoma City Police Department has some fun announcing the capture of a wandering...sheep.

**IN A HURRY**: A driver going 118 mph on the Kickapoo Turnpike said he was in a hurry to get back to Chicago.

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