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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

[Sincere Terry, et al, v. Gentner Drummond, et al.](#), 2025 OK CR 11 (July 17, 2025): **Riot:** In this certified question appeal regarding rioters, the Tenth Circuit certified a question about Oklahoma’s riot statute whether it requires the State to prove that the accused disregarded intentionally a substantial risk that his communications would be viewed as threatening violence toward another. The Court answered this question in the negative. NOTE: Judge Rowland specially concurred, joined by Presiding Judge Lumpkin.

[William Lewis Reece v. State](#), 2025 OK CR 10 (July 16, 2025): **Death Penalty; Interrogations (Fifth Amendment); Jurors; Bad Acts Evidence; Prosecutorial Misconduct; Avoid Arrest Aggravator; HAC:** Death penalty conviction out of

Oklahoma County (the Hon. Susan Stallings, presiding) is affirmed over claims relating to: 1) jury selection error in failing to remove three jurors; 2) confession was not knowingly and voluntarily given and statements should have been suppressed; 3) *Brady* violation where a detective failed to preserve hours of recorded conversations with the accused; 4) IAC failing to cross-examine detective on the destroyed recordings; 5) admission of sexual propensity evidence; 6) prosecutorial misconduct; 7) insufficiency of evidence of the “avoid arrest” aggravator; 8) and overbreadth attack on HAC aggravator. NOTE: Vice Presiding Judge Musseman specially concurred.

[Charles Michael v. State of Oklahoma ex rel. Service Oklahoma](#), No. 122,725 (Okla. Civ. App., Div. II, July 23, 2025) (Not for Official Publication): **DUI (DPS)**: Drivers license revocation appeal out of Texas County is affirmed over claims related sufficiency of notice by Service Oklahoma and speedy trial.

## **TENTH CIRCUIT**

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[United States v. Jerrold Albert Chavarria](#), No. 23-2102 (10<sup>th</sup> Cir., June 16, 2025) (Published) (Hartz, Tymkovich & Bacharach): **Commerce Clause**: Conviction for Kidnapping Resulting in Death is vacated because the Government failed to prove any nexus with interstate commerce.

[United States v. Jonas Dalveyon Tyler](#), No. 24-6035 (10<sup>th</sup> Cir., June 16, 2025) (Published) (Holmes, C.J., Seymour & Bacharach) (W.D. Okla.): **Warrantless Search**: Interesting winner where the panel held that a warrantless detention was too prolonged by the drug dog came and alerted which resulted in an unconstitutional search and seizure (this was not a traffic stop case, but similar facts).

## **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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[United States v. Damion Wilson](#), No. 23-30777 (5<sup>th</sup> Cir., July 17, 2025): **Search and Seizure (Reasonable Suspicion)**: Case out of Louisiana where the panel framed the question as whether a *Terry* stop can be based solely on the fact that the person was carrying a firearm. The panel answered no (but upheld the stop here on other grounds).

## **VICTORIES**

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*None noted.*

## **HEARSAY**

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**SPEAKING OUT**: Stephen Jones, attorney for former-Judge Brian Lovell, has accused Attorney General Gentner Drummond of violating an agreement to not speak publicly about the case and also for apparently reneging on an agreement for a deferred prosecution.

**CITY ATTORNEY**: Garfield County ADA Melissa Blanton has been named the new City Attorney for Enid.

**PANHANDLE**: An anonymous source has told Oklahoma Watch about the D.A.-ran task force in Texas County.

**TULSA JAIL**: The Frontier wants to hear from anyone having experience with the Tulsa Municipal Jail.

**INDIANS**: Native Americans in Indian Country may have fewer civil rights than non-natives in Indian Country.

**FIRED**: Two Tulsa County Sheriff's Office employees have been fired and arrested for stealing from a retail store.

**TITLES:** As of July 1, 2025, Service Oklahoma has transitioned to electronic car titles.

**TECH:** The Oklahoma County Jail will acquire the same Star-Trek-like technology to monitor inmate health that the Choctaw County Jail is getting.

**OJA:** The OJA has re-licensed the Tulsa County Juvenile Detention Center after its year on probation.

## **WACKY CRIME**

**DENTISTRY:** A Tulsa woman is in hot water for using an apartment to practice underground (unlicensed) dentistry.

**DARING CRIME:** In a “daring” larceny from an OSU fraternity house, two persons have stolen a carved statue of Pistol Pete.

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