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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

[Candace Renita Lang v. State](#), No. F-2024-354 (Okl.Cr., July 31, 2025) (unpublished): **Embezzlement**: In this Embezzlement case out of Muskogee County (the Hon. Bret Smith, presiding), the Court reversed the count of Embezzlement by Public Officer count because Lang was charged in the Information with Embezzlement, but the jury was instructed on the different crime of Embezzlement by Public Officer, which contains an element that was contested at trial. NOTE: The State conceded plain error.

[Bryce Alexander Drummond v. State ex rel., Service Oklahoma](#), No. 122,746 (Okla. Civ. App. Div. I, August 1, 2025) (Not for Official Publication): **DUI/DPS**:

Driver's license revocation is affirmed for APC, but good discussion of the law of search and seizure when the motorist is in a private driveway.

TENTH CIRCUIT

[United States v. Cody Byron Teerlink](#), No. 23-4095 (10th Cir., June 24, 2025) (Published) (Tymkovich, Ebel & Eid): **Invited Error**: Conviction for False Statement on a firearms form is affirmed over a claim of instructional error because the panel held that the accused had invited the error by proffering instructions; and this was not obviated by a footnote in the proffered instructions seeking to preserve plain error review. This did not immunize the issue for appellate review.

[United States v. David Glenn Berryhill, Jr.](#), No. 24-7008 (10th Cir., June 23, 2025) (Published) (Holmes, C.J., Seymour & Bacharach) (E.D. Okla.): **Federal Sentencing Guidelines (Mitigating Role)**: Drug case sentence is affirmed on plain error review for denial of a mitigating role adjustment because although this was a legal error, it was not obvious at the time of appeal. NOTE: I often wonder how we got here. The panel found that the trial court committed legal error, but through stylized waiver rules refuses to offer any relief. Chief Judge Holmes, in particular, has never seen a waiver/forfeiture argument that he did not like and so we get cases like this one that span 32-pages explaining why the panel cannot grant relief even though it found legal error.

[United States v. Lance Douglas Roark](#), No. 24-5062 (10th Cir., June 23, 2025) (Published) (Bacharach, Baldock & McHugh) (N.D. Okla.): **Jury Instructions (Unanimity); Reconsideration; Sufficiency**: Sex crimes by a father against his daughter are affirmed over claims relating to: 1) failure to instruct on unanimity when three incidents occurred on the same day without any differentiation; 2) reconsideration by the district court of an acquittal; and 3) sufficiency of the evidence of Assault with Intent to Commit Aggravated Sexual Abuse.

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. Devante Glenn](#), No. 23-3926 (6th Cir., July 28, 2025): **Evidence (Drug Jargon)**: Drug case reversed based on police officer interpreting drug jargon in text messages. NOTE: This was a split opinion with Judge Larsen dissenting.

VICTORIES

None noted.

HEARSAY

[SURVIVOR](#): Tulsa County Judge Sharon Holmes is weighing a “Survivor Act” case.

[NO REASON](#): Like the unknown assailant from Folsom Prison Blues, a man in Sapulpa shot a man for no reason.

[STELLA](#): The Osage County Sheriff’s Office has a new K-9 named Stella.

[DOMESTIC](#): The OSBI is investigating a domestic altercation involving the Coal County Sheriff.

[INVESTIGATION](#): The OSBI is investigating the Greer County Sheriff for possible misconduct.

[FLEX](#): The Konawa City Manager tried to flex on a local police officer.

EXECUTION: Attorney General Gentner Drummond has made an *ex parte* request to Judge Lumpkin for a postponement of the next scheduled execution of Tremaine Wood.

WALTERS: Local OKC defense attorney Joe Griffin discusses the Ryan Walters situation with the OKC Fox affiliate. Also, the Oklahoma County District Attorney has **requested** the assistance of the OSBI in the investigation of Superintendent Ryan Walters.

GRADUATES: DOC has celebrated its 100th class of graduates of the prison dog program.

OPTIONS: The Frontier has reported on the lack of drug treatment options in Enid and western Oklahoma.

ICE: Cimarron Correctional Facility in Cushing is housing detainees for ICE.

PREDATORS: Oklahoma Watch has reported on the “To Catch a Predator”-style efforts of self-appointed civilian vigilantes.

SITES: Beckham County Sheriff Derek Manning said that the latest law enforcement problem is abandoned illegal marijuana grow sites.

A/C: Great Plains Correctional Center in Hominy has been battling air conditioning problems for weeks and is now “a recipe for disaster.”

SMUGGLER: A smuggler tried to get contraband into James Crabtree Correctional Center via some wooden logs that were being donated to the facility.

SUSPENDED: Tulsa attorney Ron Durbin has been suspended, but has sued the Bar on First Amendment grounds.

ON SECOND THOUGHT: Service Oklahoma has reversed course and restored the ability to obtain paper titles for vehicles in Oklahoma.

GAFFE: The Owasso Police Department website had a post about an upcoming blood drive that was not well received.

ARRESTED: An OKC-area attorney has been arrested for attempted kidnapping of a child from the Westminster Presbyterian Church daycare.

WACKY CRIME

STREET JUSTICE: Story where it may have been well-served in OKC.

COWS: A Kay County Commissioner has been indicted for...stealing at least nine cows.

STEERING: The OKC Fire Department has recommended against using a vise grip as a steering wheel.

DOLLS: Two brothers got into a fight after one gave the other a blow-up sex doll as a birthday present.

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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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