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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

[Broadstone v. State](#), 2025 OK CR 12 (August 7, 2025): **Guilty Pleas; Waiver (Appellate Issues)**: Guilty plea case out of Tulsa County (the Hon. Sharon K. Holmes, presiding) where the accused sought to withdraw her plea. A hearing was held via videoconference and the motion was denied. On appeal, she claimed that there was a denial of Due Process because there was no waiver of her personal appearance. However, this claim had not been raised either in the motion to withdraw her plea or the petition for certiorari; thus, the Court deemed it forfeited for consideration and not even subject to plain error review. NOTE: This opinion is a tightening up on waiver/forfeiture rules on appeal. The Court had been allowing some of these issues to be raised even if not cited in the motion to withdraw, but in this opinion has overruled those cases. So, be aware of the

procedural trap. The legal claims must be raised in the motion to withdraw the plea.

[Justin Dale Moss v. State](#), No. RE-2024-173 (Okl.Cr., August 7, 2025) (unpublished): **Suspended Sentences**: Revocation of suspended sentence is reversed because the district court lacked jurisdiction under the 20-day rule.

[William Art Guoladdle, Jr., v. State](#), No. RE-2023-1046 (Okl.Cr., August 14, 2025) (unpublished): **Suspended Sentences**: Two revocation cases in this appeal and the Court affirmed one, but reversed another because the State had filed an amended motion to revoke alleging crimes that had occurred after the expiration of the period of probation. NOTE: The State argued below that the expiration of the period had been tolled by the filing of a motion to revoke. The Court clarified that the district court may retain jurisdiction to revoke if a motion to revoke is filed prior to expiration of the probation period, but this does not toll the running of the probation period. It still expires.

[R.A.D. v. State of Oklahoma](#), No. 121,351 (Okla. Civ. App., Div. II, August 14, 2025) (Published): **Sex Offender Registration; Rule of Lenity**: A level one offender may be petition for removal after registration without incident for ten years. The question here is does ten years mean ten years of registration or ten years after the completion of the sentence. The panel held that the ten years must be after the completion of the sentence. NOTE: Judge Blackwell dissented, arguing that the statute is clear and unambiguous, and that the majority erred in not applying the rule of lenity.

[Jacques Daniel Lake v. State of Oklahoma, ex rel., Service Oklahoma](#), No. 122,651 (Okla. Civ. App., Div. IV, August 13, 2025) (Not for Official Publication): **DUI(DPS)**: DL revocation is reversed when the panel concluded that the State had failed to meet its burden of proof that Lake had been or was in actual physical control of a motor vehicle while under the influence of alcohol.

TENTH CIRCUIT

[United States v. Steven E. Spradley](#), No. 23-3222 (10th Cir., July 29, 2025) (Published) (Bacharach, Murphy & Eid): **Entrapment**: In this sting operation involving meeting a minor, the conviction is reversed because the district court refused to instruct on the defense of entrapment. NOTE: Judge Eid dissented.

[United States v. Chase Lane Rocha](#), No. 24-7019 (10th Cir., July 29, 2025) (Published) (Holmes, C.J., Seymour & Bacharach) (E.D. Okla.): **Federal Sentencing Guidelines (Reasonableness)**: 60-month sentence for Involuntary Manslaughter, which involved an upward variance, was procedurally and substantively reasonable.

[United States v. Johnny Lee Summers](#), No. 24-5030 (10th Cir., August 1, 2025) (Published) (Tymkovich, Phillips & Moritz) (N.D. Okla.): **Evidence (Burks/Bad Acts)**: Convictions and sentence of 340-months for various sex crimes against a child are affirmed over a claim of error concerning admission of prior sex offense under 404(b).

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.

VICTORIES

No trial victories noted.

HEARSAY

NEW DRUG: A synthetic drug named “Nitazenes” is 40 times stronger than fentanyl and is becoming a problem in Oklahoma.

FIRED: A Marshall County emergency dispatcher has been fired for being disrespectful when speaking about a person who had called in for assistance.

TICKETS: Some Oklahoma towns are still ticketing tribal citizens in violation of McGirt.

STAFFING: The Pawhuska Police Department is woefully understaffed.

JOBS: CoreCivic is advertising for jobs at the vacant prisons in Watonga and Sayre in anticipation of being awarded federal contracts for ICE detainees.

THE BIRD: Is it legal to flip the bird to a police officer? The general answer is yes.

BRUTON: OIDS attorney Wyndi Hobbs has shared a link to a 35-page OU Law article examining the impact of *Bruton* error on juries and, more broadly, what a reasonable juror is.

RUMOR: OKC police have issued a statement that there is no truth to a rumor circulating in the metro that there is a serial killer lurking who cuts off the faces of the victims.

RETIREMENT: The Owasso Chief of Police has announced his retirement.

RECUSED: Oklahoma County district judge Heather Coyle has recused herself from the Richard Glossip case.

OHP: OHP will be out looking for impaired drivers during Labor Day weekend.

ENID: Two “Enid News Ambassadors” from NonDoc have shared their reasons for liking my home town of Enid, Oklahoma.

BONNIE & CLYDE: Infamous outlaw Clyde Barrow had a love interest in Stringtown, Oklahoma, prior to meeting Bonnie Parker.

CHARGED: A former Muskogee County Sheriff has been charged with four felonies.

SENTENCED: An OKC woman who had forged the signature of the Chief Bankruptcy Judge in the Western District has been sentenced to six months followed by two years of supervision.

VIN: Warr Acres police have warned the public about criminals swapping or cloning VINs to put on stolen cars being advertised for sale.

LANDING: The OKC PD helicopter had to land in the Remington Park parking lot because of mechanical issues (no injuries).

BIKE: OKC police have presented a child with a new bike after an officer ran over his old one.

ICE: Oklahoma Voice has reported that a new tactic being used by ICE is to have the immigrant show up for their preliminary hearing, dismiss the case to deprive them of protection from arrest/detention, and then deport them.

ARRESTED: The Executive Director of the Tulsa Area Emergency Management Agency has been arrested for possessing child pornography.

WACKY CRIME

PURCELL: Police in Purcell have sought the owner of two turkeys who have been strutting around the town acting like they own the place.

SLAMMER: Penske Entertainment, owner of the Indianapolis Motor Speedway, is not pleased with the moniker given a new ICE detention center an hour outside of Indianapolis. Florida has the “Alligator Alcatraz” and Indiana now has the “Speedway Slammer.”

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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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