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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

[Cody Bernard Scruggs v. State](#), No. F-2024-417 (Okla. Cr., August 28, 2025) (unpublished): **Jurors (Notetaking)**: Conviction of First Degree Murder out of Logan County (Hon. Phillip Corley, presiding) is affirmed, but the opinion does contain a discussion of juror note-taking. Judge Corley denied it, and the Court found no plain error (it is basically within the discretion of the trial court).

[Nicholas Lee Snyder v. State of Oklahoma, ex rel., Service Oklahoma](#), No. 122,839 (Okla. Civ. App., Div. III, August 29, 2025) (Published): **DUI/DPS**: Snyder received a lifetime disqualification for his CDL and appealed, but the panel held that the statutes offer no forum for relief and dismissed the case. NOTE: This

result seems an unlikely reading of the statutes and I suppose the panel published it to see if the Supreme Court may want to examine the issue.

TENTH CIRCUIT

[United States v. Manuel Jonathan Ulibarri](#), No. 24-2080 (10th Cir., August 15, 2025) (Published) (McHugh, Murphy & Moritz): **Search and Seizure (Traffic Stops; Impound and Inventory)**: Traffic stop for loud noise, police discover outstanding warrants, arrest the driver, find drugs. Denial of motion to suppress is affirmed because the stop was reasonable and although police had dual motives to arrest (properly for the bench warrants; but improperly to search the car), such mixed motives do not violate the Fourth Amendment, and the subsequent impound and inventory was lawful.

[United States v. Jeremy Dustin Papke](#), No. 24-5094 (10th Cir., August 12, 2025) (Published) (McHugh, Eid & Federico) (N.D. Okla.): **Plea Bargains**: The district court rejected two plea bargains and a third one was agreed to which resulted in a sentence of 235 months. The panel held that the district court did not abuse its discretion in denying the first, but did abuse its discretion in denying the second which involved a “charge bargain” under which the Government would exercise prosecutorial discretion and dismiss one of the charges.

[United States v. Traquevis DeWayne Hardy](#), No. 24-8006 (10th Cir., August 12, 2025) (Published) (Hartz, Matheson & Bacharach): **Right to be Present; Evidence (Burks/Bad Acts); Federal Sentencing Guidelines (Drug Quantity; Hearsay)**: Conviction and sentence for drug offense where the conviction is affirmed over claims related to: 1) an in-chambers conference announcing an evidentiary ruling in the absence of the accused; and 2) admission of 404(b) evidence; but the case is remanded for resentencing because the district court relied on uncorroborated hearsay to calculate drug quantity.

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. Ricky Wilson](#), No. 25-30105 (5th Cir., August 29, 2025): **Search and Seizure (Search Warrants; Sufficiency)**: The panel spends the first few pages lamenting the existence of the exclusionary rule, but held that it was bound to apply it and did so in this case because the warrant was not supported. The panel characterized it as based on conjecture and a “hunch dressed in paperwork.” NOTE: Not surprisingly, Judge Ho dissented.

VICTORIES

[DODI DUFFIELD](#), Delaware County OIDS, secured a verdict of Not Guilty for a client accused of Rape by Instrumentation, Forcible Sodomy, and Lewd Molestation. I do not have many details, but these are difficult cases and require careful advocacy. Great job, Dodi!

BRECKEN WAGNER & BLAKE LYNCH, McAlester, met with a client about 17 months ago regarding a possible First Degree Murder charge. The client was arrested, jailed for months enduring “gladiator-style” fights with other inmates to gamble on which resulted in a broken jaw, and because he had good lawyers the jury rendered a verdict of Not Guilty. Terrific work Brecken & Blake!

[SHELBY SHELTON](#) held a press conference to inform the community that the charges against his client, Ringling principal/coach Phillip Koons, had been dismissed because the allegations were false. Sometimes victories take place outside the courtroom. Nice work, Shelby!

HEARSAY

ATTACKED: A Logan County Deputy was attacked by dogs when responding to a domestic incident.

REQUEST: State Rep. Justin Humphrey has requested that the A.G. to establish a grand jury to investigate the Oklahoma judicial system.

APPOINTED: Gov. Stitt has appointed Matthew Chesbro (a former ADA) as Associate District Judge in Tulsa County.

STAFF: The Oklahoma County Jail has been short-staffed with jailers since 2020.

CUTS: Significant cuts to mental health contracts will take effect October 1, 2025.

FORGED: A Yukon woman with an expired license in Dental Hygienics has been charged with practicing with a forged license.

APPLICATIONS: Three attorneys have applied for the open District Judge position in Carter County.

OKLAHOMA SURVIVORS' ACT: A bid by a woman for sentencing relief under the OSA has been denied in Tulsa County.

COUNTER JUMPERS: Tulsa police have arrested “counter jumping” serial offenders pursuant to a new law.

GUNS: Tulsa police have seized more than 150 illegal firearms.

RECUSED: A second judge has recused from the Glossip case.

FOIA: The A.G. issued an opinion a while back that key card information for state employees is public information subject to an Open Records request. There has now been such a request. Also **HERE**.

EXPANSION: The Sarah Stitt Act has been expanded to help inmates get official identification cards upon release from DOC.

ANGER: Residents of Okemah are unhappy with the AG’s “Attorney General Agent” officers providing law enforcement for the town.

FLOCK CAMERAS: The Institute of Justice has urged the City of Norman to reject flock camera installation after abuses in cities such as Austin and Denver.

ARRESTS: Law enforcement officers from around the state have arrested 119 suspects in Operation Fair Game.

JUDGES: The City of Oklahoma City has two new municipal judges.

OHP: A.G. Drummond has issued an opinion stating that OHP is required to patrol all highways, so it cannot discontinue patrols of the seven metro areas announced previously.

DRUGS: A.G. Drummond also wants the DEA to ban Bromazepam a/k/a “Designer Xanax.”

RESIGNING: DOC Director Steven Harpe will resign at the end of September to take a job in the private sector.

WACKY CRIME

TIKTOK: DOC has acknowledged that a viral TikTok video of an inmate hanging out the back window of a DOC transport van is in fact legitimate.

PROUD: A couple in Tulsa stood proud as peacocks in front of an expensive sports car...that they had purchased with a bad check.

MARKET: An OKC man has been arrested for using Facebook Marketplace to sell...a stolen water meter.

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