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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

[Derrale Magee v. State](#), No. M-2023-768 (Okla. Cr., October 10, 2024)

(unpublished): **Speeding**: Conviction for speeding at a bench trial out of Texas County (the Hon. A. Clark Jett, presiding) is affirmed over claims related to 1) no proof that the speeding occurred on a highway; and 2) insufficient evidence of speeding. NOTE: This is another appeal on a speeding ticket to come out of Texas County. They do not like speeding tickets.

[State v. Krigel](#), 2024 OK CR 27 (October 3, 2024): **State Appeals; Motion to Quash; Attempts**: In a prosecution out of Tulsa County for Attempted Rape, the PH magistrate bound the accused over for trial, but since the judges in Tulsa County all recused, the Chief Justice of the Supreme Court appointed the Hon.

Mark Campbell (Bryan County), who granted a motion to quash based upon the PH evidence. The State appealed, and in this opinion the Court reversed, clarifying prior case law and concluding that the PH evidence was sufficient.

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. Sylvester Gailes](#), No. 23-5928 (6th Cir., October 10, 2024):
Second Amendment: In light of *Bruen*, the Sixth Circuit reconsidered precedent holding that the prohibition on firearms for misdemeanants convicted of domestic violence was constitutional, and held that 18 USC 922 is facially constitutional.

VICTORIES

DUSTIN PHILLIPS, OKC, won a not guilty verdict in Canadian County in a sex offense case. Apparently, Dustin has trials stacked up throughout October, and starting out 1-0 is strong. Great work, Dustin!

ROB HOPKINS, OKC, also heard the two magic words in a jury trial out of Oklahoma County. Details are scant but trial wins are awesome. Good job, Rob!

DAN POND, OKC, demurred at PH in a meth trafficking case out of Garvin County...sustained! State announced intent to appeal, but this is a great start. Awesome job, Dan!

HEARSAY

OSA: The first hearing on an Oklahoma Survivor's Act petition will be held in Seminole County.

TECH: The Tulsa County Sheriff is adding the latest technology to its patrol cars.

ASSAULT: An OKC man assaulted five officers during a roof-top scuffle.

HONORED: The late Judge Ray Dean Linder was honored when a portion of a highway in Woods County was dedicated to him. He was one of the finest jurists our state has ever produced.

AIR: The McClain County Courthouse has "air quality issues" which caused the location of court proceedings to be held at the Community Center.

BUSTED: A nation-wide porch-pirate ring has been busted in OKC.

NEW CHIEF: The City of Madill has named a new Chief of Police.

PARTY: Thirteen people were shot, one fatally, at a Halloween party in OKC.

HEALTH CARE: The Oklahoma County Jail has transitioned to self-providing health care to inmates.

CONFESSION: A detention officer at the Oklahoma County Jail was arrested for embezzlement, but has also confessed to other offenses.

FLOOD: In the shadow of two hurricanes in Florida, Enid Buzz recalls the October, 1973, flood in Enid. **NOTE**: I lived in Enid at the time and have a memory of looking out the front window of my house and seeing the water flow down the street. It was quite the event.

NEW: The City of Pawhuska has a new City Attorney.

ARMED: The most heavily-armed place in Oklahoma is....Cleveland County.

PARTED: The ODMHSAS has parted ways with A.G. Drummond in the lawsuit over inmate access to mental health care in county jails.

HEARINGS: Rep. Justin Humphrey held a hearing on problems in murder cases, mostly concerning the Glossip case.

OPEN HOUSE: The Kay County Courthouse is holding an open-house event to show the public the renovations and updates to the building.

BUMPED UP: Gov. Stitt has named Hon. Brett Butner as District Judge for district 22 (Seminole, Pott, Pontotoc), an upgrade from Associate.

BRAILLE: OSR has a new braille program which teaches inmates how to transcribe printed text into braille.

OSA: Three women convicted of murder have applied for sentencing relief under the Oklahoma Survivor's Act.

TICKETS: Tulsa police have issued 463 tickets for seatbelt violations in the month of September.

WACKY CRIME

TULSA: A Tulsa man posted selfies of his theft of campaign signs (charges may follow).

OREGON: Police in Portland, OR, found a bag of drugs labeled, "Definitely not a bag full of drugs" (with photo of said bag).

PLANES: Thieves have targeted...radio-controlled airplanes.

NOT NEWS/NEWS: As Mark Hoover put it: Not News: a woman was pulled over on suspicion of driving under the influence. News: she was driving on the taxiway of Riverside Airport in Tulsa.

OKC: An OKC man has been arrested for vandalizing...a Wendy's dumpster.

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