

OCDW 10.20.25

Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

www.ocdw.com

10.20.25

[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

[Cody Leanon Bertrand v. State](#), 2025 OK CR 19 (October 16, 2025): **Indians; Video Testimony**: In this case out of Rogers County, the Hon. Terrell S. Crosson, Special Judge, ruled that the legal definition of “Indian” under McGirt includes the requirement that the accused must be a member or associated with a federally recognized Indian tribe. The Court agreed, and thus clarified the legal test for Indian status. The Court also affirmed over other claims, including denial of a witness to testify via videoconferencing.

[Cia Dong Bu v. State](#), 2025 OK CR 17 (October, 7, 2025): **Evidence (Res Gestae); Cultivation; Prosecutorial Misconduct (Brady)**: In this Cultivation of a CDS case out of Pontotoc County (the Hon. Steve Kessinger, presiding), the

Court affirmed, holding that unlawful acts committed by a co-defendant were admitted properly as *res gestae*; there was no *Brady* violation; and Oklahoma's cultivation statutes are not unconstitutionally vague or overbroad. NOTE: Even though the constitutional attack on the cultivation statutes were not raised in the trial court, the Court still reviewed the facial challenge *de novo*.

[In Re: Notification of New Form Court's Findings For Purposes of Initial Bail Determination](#), 2025 OK CR 18 (October 14, 2025): This order promulgates a new form for bail determination.

TENTH CIRCUIT

[United States v. Jared Michael Harrison](#), No. 23-6028 (10th Cir., August 26, 2025) (Published) (Rossman, Kelly & Murphy) (W.D. Okla.): **Second Amendment**: The district court granted a motion to dismiss an indictment of a marijuana user charged with possession of a firearm, and the Government appealed. In this expansive opinion, the majority concluded that the district court's legal analysis was incorrect under the subsequently decided *Rahimi* case from SCOTUS, and held that disarming those that may pose a future danger is constitutional; however, since no findings on this were made below, the panel remanded. NOTE: Judge Kelly dissented.

[United States v. Jeffrey Steven Clay](#), No. 24-2057 (10th Cir., August 26, 2025) (Published) (Phillips, Murphy & Eid): Confrontation/Cross-Examination; Burks and Bad Acts; Waiver (Appellate Issues): In this sexual assault case, the panel affirmed over claims relating to: 1) preclusion of evidence that the complaining witness was a prostitute in the past; and 2) Rule 413 admission of another woman who had claimed that Clay had assaulted her in the past. NOTE: Clay made some other arguments, but the panel found those waived on the basis that they were inadequately briefed.

[United States v. Marc Candelaria](#), No. 24-2108 (10th Cir., August 25, 2025) (Published) (Matheson, Bacharach, & McHugh): **Search and Seizure (Consent); Federal Sentencing Guidelines (Reasonableness)**: In this case involving bank fraud and robbery, the panel affirmed over claims relating to: 1) search of a car (wife gave consent and had authority to do so); and 2) substantive reasonableness of the sentence.

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

MIRANDA SNODGRASS & ERIN KRAVCHICK, Tulsa, secured a verdict of Not Guilty for a client accused in Tulsa County of Sexual Battery. In fact, the jury commended Miranda and Erin for their ability to highlight the credibility issues in the case, and also for presenting such a clear and concise closing argument. BTW, this was Miranda’s third Not Guilty verdict this year, and Erin’s first, but I am told that Erin was just sworn in a few weeks ago! Great job, Miranda & Erin!

KEVIN ADAMS, Tulsa, a former Darrow Award Winner, has been on a tear lately. He won a Child Sexual Abuse case a few weeks ago in Wagoner County. This is Kevin’s 6th Not Guilty verdict in a row, and 7th out of the last 8. Great work, Kevin!

DAN MEDLOCK, Muskogee, secured a Not Guilty verdict in federal court in the Eastern District in front of Judge White in a case where the Government had accused the client of maintaining drug house. Well done, Dan!

RON JONES, OKC, secured a hard fought Not Guilty verdict in the W.D. in front of Judge Jones for a client accused of embezzling federal pandemic monies. Terrific job, Ron!

HEARSAY

ARRESTS: After an investigation, three persons (including a detention officer) have been arrested for bringing contraband into the Cleveland County Jail.

OPENING: Link goes to a story about the mission of the OKC Diversion Hub scheduled to open next April.

OHP: OHP will be phasing out its all-black patrol cars in favor of the black-and-white paint scheme from 15 years ago.

AWARD: Garvin County ADA Corey Miner has been named Prosecutor of the Year by the Oklahoma Chapter of M.A.D.D.

ARRESTED: A Woodward County jailer has been arrested for sending explicit videos to an undercover officer.

REMOVED: Tulsa County District Judge Sharon Holmes has been removed from a case after speaking with jurors.

DECREASE: The number of marijuana dispensaries in Oklahoma has dropped from 2900 in March, 2023, to 1600 now.

APPOINTED: Gov. Stitt has appointed Carson Brooks as the new District Judge in Carter County.

COURT: The Muscogee Nation has opened a traffic court in Jenks.

GIGLIO: A former Seminole County investigator has been placed on the *Giglio* naughty list.

CHIEF: O.U. has named a new Chief of Police.

PRISON: The Diamondback facility contract is worth \$100 million.

COSTS: Long, but interesting story about the impact of court fines and fees on defendants.

HONORED: Kay County Sheriff Steve Kelley has been named Sheriff of the Year by the Sheriff's Association.

WACKY CRIME

KAY COUNTY: A man who had been acquitted of drug charges in Kay County has been arrested again...on drug charges.

COUNSELOR: A man posed as an attorney to visit his girlfriend at the Oklahoma County Jail...and subsequently ended up in the Oklahoma County Jail.

PONCA CITY: A Ponca City man has been arrested after a having a fistfight...with a deer.

OKLAHOMA CRIMINAL DEFENSE WEEKLY

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.

ABOUT THE OCDW: The *Oklahoma Criminal Defense Weekly* is compiled, maintained, edited and distributed weekly by attorney James L. Hankins. Archived issues can be obtained by contacting Mr. Hankins directly, although some of them are on the web site at www.ocdw.com. OCDW accepts no money from sponsors. Mr. Hankins is solely responsible for its content.

COPYRIGHT STATEMENT & DISCLAIMER: ©2005-2025 by James L. Hankins. All rights reserved. OCDW hereby grants free use of these materials for any non-commercial purpose provided that proper credit to the OCDW is given. In the event that copyrighted works are included in an edition of the OCDW such works may not be reproduced without the consent of the copyright holder because under federal law the OCDW has no authority to allow the reproduction of the intellectual property of others. For purposes that go beyond “fair use” of the copyrighted material under federal law, the permission of the copyright holder must be obtained. If you are a copyright holder and object to any portion of an issue of the OCDW, please contact the publisher, James L. Hankins, at the contact information above (located under the SUBSCRIPTIONS AND SUBMISSIONS section). Finally, the

materials presented in this newsletter are for informational purposes only, and are not, nor intended to be, legal advice or to create an attorney-client relationship. You should consult an experienced attorney licensed in your jurisdiction for legal advice applicable to the specific facts of your case. Cases are summarized in each weekly issue as they are issued and filed by the respective court, and are thus subject to being withdrawn, corrected, vacated, and/or modified or reversed without notice. Always conduct your own research!