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Category



OKLAHOMA CRIMINAL DEFENSE WEEKLY

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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

[Terrell Eugene Williams v. State](#), No. F-2024-676 (Okla. Cr., November 6, 2025) (unpublished): **Manslaughter; Causation:** Williams was convicted by jury of First-Degree Misdemeanor Manslaughter via Driving with Revoked License in Payne County (the Hon. Phillip C. Corley, presiding). The Court affirmed, holding that the fact that Williams subsequently got his license re-instated is not a defense to the crime; and notice of revocation is sufficient when DPS mails notice to the address provided on the license. NOTE: Musseman, V.P.J., dissented, arguing that excessive speed and being under the influence were the proximate causes of the fatality accident, not license revocation, and he urged the Court to overrule its precedent on this issue.

TENTH CIRCUIT

[United States v. David Bert Paycer](#), No. 23-5120 (10th Cir., September 16, 2025) (Published) (Rossman, Kelly & Murphy) (N.D. Okla.): **Evidence (Hearsay; Burks/Bad Acts); Jury Instructions (Minor Witnesses); Interrogations (Fifth Amendment); Cumulative Error:** Conviction for Sexual Assault of a Minor in Indian Country is affirmed over claims related to: 1) jury instruction on competency and credibility of child witnesses; 2) refusal to instruct that in order to consider 414 “other crimes” evidence the jury had to find unanimously by a preponderance that he had committed those crimes; 3) denial of motion to suppress statements; 4) admission of hearsay; and 5) cumulative error.

[United States v. Marco Antonio Naranjo-Aguilar](#), No. 24-7050 (10th Cir., September 16, 2025) (Hartz, Matheson & Bacharach) (E.D. Okla.): **Federal Sentencing Guidelines (Minor Participant):** Sentence is affirmed over denial of motion to reduce the Guidelines range based on minor participant.

[United States v. Lawrence Rudolph](#), No. 23-1278 (10th Cir., September 8, 2025) (Holmes, C.J., Moritz & Rossman): **Severance; Venue; Evidence (Hearsay of Decedent); Forfeiture:** Rudolph was convicted of fatally shooting his wife during a hunting trip to Zambia. The panel affirmed over claims related to: 1) denial of motion for severance; 2) denial of motion for change of venue; 3) admission of hearsay statements by the decedent; and 4) forfeiture of assets.

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.

AI

A civil case out of the Eastern District has produced a harsh [order](#) from Magistrate Jason A. Robertson, imposing sanctions and discipline on two Arkansas lawyers and the local Oklahoma lawyer who acted as local counsel.

The magistrate found that eleven pleadings contained gibberish, erroneous citations, non-existent citations, and misstatements of law. Judge Robertson started off the Order with the old Reagan quote, “Trust, but verify.” Any time a judge starts off an Order with a pithy quote you know it is not going to be good.

Be careful when using AI. I cannot believe lawyers actually do this, use AI to draft a pleading and then just submit it without checking, but I guess it happens.

HEARSAY

[GUNS](#): A ministry in Tulsa turns guns into garden tools.

[DENIED](#): A federal judge has denied the request of the Muscogee Nation for an injunction to prevent the Tulsa County District Attorney from prosecuting non-Muscogee Tribe native Americans on Muscogee Nation land.

[CHARGED](#): The now-former Greer County Undersheriff has been charged with Obstruction and DUI in Comanche County.

[CLEMENCY](#): Tremane Wood has received a recommendation for clemency by a vote of 3-2.

[LIABILITY](#): Drivers may be held liable if a passenger smokes marijuana in the vehicle.

[FINES](#): The Chickasha Municipal Court is offering a “Food for Fines” program.

[PROGRAM](#): Eddie Warrior Correctional Centers is launching a cosmetology program.

[FELONY](#): The Miami, OK, police department has reminded thieves that theft of a motorized shopping cart valued at more than \$1,000.00 is a felony.

[CALLS](#): A recent FCC vote means that the reduced phone call rates DOC inmates are now gone and unlikely to return.

BOARD: Kyle Counts, former LASO attorney, has been named Executive Director of the Pardon and Parole Board.

DRUG COURT: Public radio station KOSU has examined the Drug Court program in Oklahoma County.

SUSPENDED: The Latimer County Undersheriff has received a suspended sentence in a difficult domestic case.

WACKY CRIME

STOLEN: Someone has stolen the old APCO sign in front of the gas station in Cogar, which was made famous in the movie "Rain Man."

SPEED: A driver near Chandler has been cited for traveling 140 mph through a construction zone.

TULSA I: A former employee has stolen a giant plush gorilla from The Stumbling Monkey Bar and Grill in Tulsa.

TULSA II: A man in Tulsa walked into a bar carrying...a stolen plush gorilla.

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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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