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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

No new cases of note.

TENTH CIRCUIT

[United States v. Malachi Mathias Moon Seals](#), No. 24-1028 (10th Cir., October 17, 2025) (Published) (Phillips, Murphy & Eid): Supervised Release: This case involves application of circuit precedent and the two-step process of revoking probation: 1) “resentence” for the underlying offense; and 2) sanction for violating conditions of probation. Here the panel found no plain error. NOTE: Judge

Murphy concurred in the result by separate opinion. Judge Phillips also concurred by separate opinion. There is tension in the opinions of separate panels on whether this two-step process is correct, so keep this in mind if you have a revocation case.

[United States v. Matthew Ambrose Baker](#), No. 23-4099 (10th Cir., October 20, 2025) (Published) (Hartz, Phillips & Federico): **Fraud; Contempt; Second Amendment**: A brother loaned another brother some money, but when the debtor engaged in a real estate transaction that netted enough to repay, he decided to commit fraud and keep the money. Here, the panel affirmed the wire-fraud convictions on grounds that: 1) the misconduct did not deprive the brother or escrow agent of any interest in property; and 2) district court's failure to *sua sponte* enter into evidence a state-court judgment; but found reversible error on a count based on internet communication because the evidence was insufficient to prove interstate wire transmission. Also, the indictment charged criminal contempt and possession of firearm by a non-violent felon. The panel held that a grand jury may indict in criminal contempt and that circuit precedent allows conviction for firearm possession by non-violent felons. NOTE: Phillips, J., authored a concurring and dissenting opinion.

[United States v. Sean Paul Baker](#), No. 24-7017 (10th Cir., October 27, 2025) (Published) (Bacharach, Baldock & Carson) (E.D. Okla.): **Evidence (Rape Shield)**: Convictions for sexual abuse of a minor are affirmed over primarily application of the rape shield law which in this case resulted in the district court granting a motion in limine by the Government to preclude evidence of sexually suggestive YouTube videos produced by the 11-year-old complaining witness.

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. Jonathon Chase Vowels-Harper](#), No. 24-6126 (6th Cir., November 25, 2025): **Federal Sentencing Guidelines (Sadistic Conduct)**: The accused is a young adult who met a minor female on social media and she eventually sent him explicit content. At sentencing, the district court applied a four-level enhancement based on one of the videos depicting “sadistic conduct.” The panel vacated this enhancement because the district court applied the wrong standard (the majority required: 1) pre-pubescent; or 2) visibly experiencing pain, emotional suffering, or humiliation). NOTE: Clay, J., dissented.

VICTORIES

GREGG GRAVES, Tulsa County P.D., won a Not Guilty verdict in Tulsa County for a client accused of Possession of a Firearm AFCF because the State could not prove that the client possessed a gun. Tulsa County had some good victories last week and I told Jack Gordon that things are groovin’ in Tulsa county...then he informed me that Gregg got his later the same day as the others! Great job, Gregg!

HEARSAY

STANDSTILL: Things are at a financial standstill between the City of Oklahoma City and the Oklahoma County Jail because the City does not pay jail inmate fees that are due.

GRANT: The Broken Arrow Police Department has received a federal grant to fire two new officers.

GLOSSIP: The Glossip case now has a seventh Oklahoma County judge after Judge Natalie Mai’s name was drawn from a box.

CIRCLE: The survivor of a shooting spree in OKC in November...is now a suspect in an unrelated armed robbery committed just hours prior.

GUNS: Native Americans are disproportionately affected by gun violence on per-capita basis.

BITES: The last person placed on death row after a conviction based on now-discredited bite-mark evidence has been released.

APPOINTED: Johnny Loard has been appointed as Special Judge in Ardmore.

VANDAL: Tulsa police have arrested a vandal who did \$110,000.00 in graffiti damage to hundreds of locations across the city (this story has a second punch at the end).

ARRESTED: A Muskogee County Detention Officer has been arrested during a traffic stop for possession of narcotics.

CHAOS: There was chaos at COJC after some juveniles acquired a set of keys.

EXECUTIONS: A new book examines botched executions, including some in Oklahoma.

WACKY CRIME

TULSA: A thief stole a statue worth \$13,000.00...from a library in north Tulsa.

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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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