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**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**

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*No new cases.*

## **TENTH CIRCUIT**

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*No new cases.*

## **UNITED STATES SUPREME COURT**

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“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**

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[In Re: Ronald Jones](#), No. 22-5689 (6<sup>th</sup> Cir., December 8, 2022): **Federal Habeas Corpus (Second/Successive)**: Interesting case where Jones had filed a previous 2255 attacking his sentence which was denied, then he filed another one after he got a state court conviction vacated based on Johnson. The panel held that this second 2255 was not “second or successive” under the AEDPA because the events giving rise to the claim had not yet occurred at the time of the first one.

[United States v. Alexander Samuel Smith](#), No. 20-4414 (4<sup>th</sup> Cir., December 1, 2022) (*per curiam*): **Indictments and Informations (Multiplicity)**: In this prosecution for lying to the FBI, Smith was convicted of two counts. A split panel vacated one count as multiplicitous.

## **VICTORIES**

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[ROYCE HOBBS](#), Stillwater, won a DUI-Manslaughter case at a bench trial in Payne County before Judge Corley. ADA Kevin Etherington (who now has his own legal problems) had agreed to waive jury and Royce did the same. At the bench trial, Judge Corley granted the defense demurrer at the close of the State’s case. Although OSBI tests showed the presence of prescription drugs (no alcohol), no SFSTs or DRE were performed and the experienced police officer who effected the arrest testified that there were no signs of intoxication. The client had dropped off his child at school at 8:15 a.m. and was driving to work when he ran off the road and struck a pedestrian. The defense theory was that this was a tragic accident, not a crime, and Judge Corley saw it the same way. Great job, Royce! **NOTE:** Royce used pharmacology expert Craig Steven and would recommend him.

## **HEARSAY**

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**TESTIMONY**: A medical examiner has refused to testify in a murder case out of Custer County.

**RETIRED**: The Chief of Police of Weatherford has announced his retirement.

**MOTIVE**: Media reports indicate that the motive for the quadruple homicide in Kingfisher was monetary.

**APPOINTED**: A new Special Judge has been appointed in Muskogee County.

**BOMBS**: An OKC man was apparently making bombs at his workplace.

**BUST**: There was a large meth bust in Lawton. Also, a large meth bust in **Tulsa** as well.

**GRANT**: The City of Tulsa is trying to obtain a grant that would assist victims of sexual assault.

**CROWDSOURCING**: OKC police now use “crowdsourcing” to help solve crimes, but Oklahoma County Public Defender Bob Ravitz has concerns.

**ARRESTED**: An attorney in Lincoln County has been arrested on drug charges.

**TRUCKERS**: Truckers from Texas receive more citations in Oklahoma than from any other state (California is number two), mostly for being overweight (the truck loads, not the truckers).

**DENIED**: Scott Eizember has been denied clemency.

**LAWSUIT**: A woman in Chickasha stole over \$400,000.00 from her mother by forging checks—and now the mother is suing the bank for not questioning it.

**FALSE CALLS**: At least nine Oklahoma schools had received false “active shooter” calls in a single day.

**SCAM**: A woman in Tulsa was scammed into receiving and repackaging \$300,000.00 worth of cocaine.

**INVESTIGATED**: A Bartlesville police officer is being investigated for sexual misconduct.

**CLAREMORE**: The City of Claremore plans to build a regional police/fire training center.

**UNDERSHERIFF**: Marshall County has appointed its first female Undersheriff.

**CASEY'S**: Fraudulent card charges continue at Casey's Stores in Oklahoma.

**RESIGNED**: The Oklahoma County Jail Administrator has resigned.

**DETAILS**: Some details have emerged in the case against former ADA Kevin Etherington.

### **WACKY CRIME**

**TULSA**: A Tulsa man committed three burglaries and stole...\$20,000.00 worth of cigarettes. Also KFOR has a funny take on the same story **HERE**.

**TULSA II**: A Tulsa man has been arrested for attempting to shoot a man who was walking his dog...note the mug shot, reminiscent of the old GEICO caveman commercials according to Mark Hoover.

**TULSA III**: Interesting traffic stops in Tulsa involving a different kind of "speeder."

**OKC**: An OKC man called 911...more than 600 times over five days.

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