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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).

MERRY CHRISTMAS EVERYONE! We will be taking a two-week hiatus and then pick it up again in January, 2026!

OKLAHOMA

No new cases of note.

TENTH CIRCUIT

[United States v. Noah Huerta](#), No. 25-1050 (10th Cir., October 29, 2025) (Published) (Matheson, Kelly & Moritz): **Search and Seizure (Pat-Down; Inevitable Discovery)**: Solid opinion reversing a denial of a motion to suppress a pat-down search as unsupported by reasonable suspicion.

[United States v. Killiu Ford](#), No. 23-1400 (10th Cir., October 28, 2025) (Holmes, C.J., & Ebel): **Kidnapping; Federal Sentencing Guidelines (Crime of Violence)**: Section 3559(f)(2) did not mandate a minimum twenty-five year sentence. NOTE: Judge Seymour had participated in the appeal, but not in the opinion; but circuit practice allows the remaining two judges to act as a quorum to decide the case.

[United States v. Clover McGregor](#), No. 23-1399 (10th Cir., October 28, 2025) (Published) (Holmes, C.J., Carson & Rossman): **Search and Seizure (Traffic Stops; Officer Safety)**: Denial of motion to suppress search of a car is affirmed because the search was justified by officer safety that the driver was armed and dangerous.

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).

[Jeffrey Clyde Pitts v. Mississippi](#), No. 24-1159 (U.S., November 24, 2025) (*per curiam*): **Confrontation/Cross-Examination**: In Mississippi there is a statute allowing a child witness to testify outside the physical presence of the accused, but specific findings must be made. Here, the Court found constitutional error because the trial court made no such findings, so it was remanded to the state court to determine whether the error was harmless.

[Terence Clark, Director, v. Jeremiah Antoine Sweeney](#), No. 25-52 (U.S. November 24, 2025) (*per curiam*): **Party Presentation**: This is a rebuke of

the Fourth Circuit for reversing a denial of relief on a claim not raised by a Petitioner, which violates the rule of party presentation.

OTHER CASES OF NOTE

[United States v. Tremayne T. Hawkins](#), No. 24-4502 (December 11, 2025): **Search and Seizure (Traffic Stops)**: Solid winner where a motion to suppress is granted because police unlawfully extended a traffic stop so the drug dog could arrive.

[United States v. Luis Javier Sanchez-Zurita](#), No. 24-60602 (5th Cir., December 17, 2025): **Prosecutorial Misconduct (Breach Plea Agreement)**: Statutory maximum sentence is vacated and remanded before a different sentencing judge where, although there was no formal, written plea agreement, there was an informal agreement where the Government had promised to support a within-Guidelines sentence, but failed to do so; thus, breaching the agreement.

[United States v. Edward Cockerham](#), No. 24-60401 (December 17, 2025): **Second Amendment**: In this extraordinary opinion, the panel reversed a conviction for firearm possession by a non-violent felon (the felony was failure to pay child support). **NOTE**: Judge Higginson dissented on the basis that the record was not developed sufficiently. Also, the opinion recognizes that the Fifth Circuit is in the extreme minority on this legal issue. Finally, the opinion gives us “hoplophobia” which means an irrational fear of guns; so look for that word to pop up in these cases.

VICTORIES

JOHN MARTINO & JAYE MENDROS, OKC, represented a client involved in a gunfight at the Del City High School parking lot. The client was actually shot three times by the active shooter, and was charged with Discharge of Firearm at or into a Building Used for Public Purpose. The State’s star witness was the active shooter, who was charged with the same thing! However, the jury was convinced by Jaye’s masterful closing argument and was out for about 90 minutes before delivering a verdict of Not Guilty. Great job, John and Jaye!

HEARSAY

CONDITIONS: An employee at the COJC juvenile facility has described the conditions as stressful and chaotic.

CHARGED: An Oklahoma helicopter paramedic has been charged with stealing narcotics from EMS agencies.

CRASH: There was a recent head-on collision with a DOC van near Lexington in Cleveland County. DOC has issued a **statement**.

DIED: A man who had been convicted of killing a UCO student in a wrong-way crash on the Kilpatrick Turnpike has died in prison.

RE-ELECTION: Comanche County DA Dan Jacobsma has announced his bid to run for election following his appointment by Gov. Stitt.

INDICTED: The Executive Director of Black Lives Matter OKC has been indicted for looting about half of the \$6 million the organization had received between June 2020 and October 2025.

HOLTZCLAW: The family of Daniel Holtzclaw remembers the 10-year anniversary of his conviction and insist on a review by the Attorney General.

AWARDS: At the OCCDLA Christmas Party/Awards Event, Billy Coyle received the Robert A. Manchester Award; and Jacqui Ford received the Barry and Johnny Albert Award.

ALVA: An Alva man texted a “concerned citizen” that he was going to “kill some crooked cops tonight” and wound up in jail.

WALKAWAY: A defendant walked away from his trial during jury deliberations at the Tulsa County Courthouse.

SUSPENSION: A judge in Durant has ordered the suspension of the Coal County Sheriff.

STRUCK: A Norman Police Officer was hit by a vehicle while working a traffic incident.

DOC: DOC has gone to great lengths to acquire bodycams in order to increase transparency...but it refuses to release the video footage.

EVIDENCE: An MRI can detect evidence of strangulation up to 12 days after the event.

RELACATION: The Osage County Court Clerk's Office and some court chambers have been relocated during courthouse renovations.

JAILED: The Oklahoma County Jail committed a "clerical miscalculation" and held a woman five days after a judge had ordered her release.

RETIRED: Judge Tom Landrith will retire from the Drug Court in Ada.

OPINION: Attorney General Drummond has issued a formal opinion declaring Gov. Stitt's tribal hunting policy illegal.

CLEMENCY: Attorney General Drummond has opposed clemency for Kendrick Simpson.

ACCREDITED: The Oklahoma Medical Examiner has regained national accreditation.

TOOLS: Service Oklahoma has provided on-line tools to help teenagers seeking a driver's license.

WACKY CRIME

TULSA: A man robbed a liquor store in Tulsa...using a mid-1800s era pocket pistol.

OKC: A suspect detained in the back of an OKC police cruiser said, "Let me bribe you, bro."

TULSA: A man has been arrested for a "concrete throwing spree" at a QuickTrip in Tulsa.

GRINCH: Some grinchies have stolen inflatable holiday decorations in SW OKC.

OKC: A woman has attempted to kidnap a stranger's child...at the Oklahoma County courthouse.

TULSA: Police in Tulsa had to wrangle a loose...kangaroo.

ALLEN: Someone broke into...the Allen, OK, police department and stole guns and a patrol vehicle.

TULSA: A Tulsa man called police...to report that the truck that he had stolen had been stolen from him.

JOB: Two women in Tulsa were arrested for stealing...which they reported was their job.

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