

**ORIGINAL**

FILED  
COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA



**IN THE COURT OF CRIMINAL APPEALS OF  
THE STATE OF OKLAHOMA**

**MAR 12 2026**

**SELDEN JONES  
CLERK**

**EMMA DELANEY HANCOCK,** )  
 )  
 **Appellant,** )  
 )  
 **v.** )  
 )  
 **THE STATE OF OKLAHOMA,** )  
 )  
 **Appellee.** )

**NOT FOR PUBLICATION**

**Case No. F-2025-23**

**OPINION**

**LUMPKIN, PRESIDING JUDGE:**

Appellant, Emma Delaney Hancock, was tried by jury and convicted in the District Court of Lincoln County, Case No. CF-2023-117 of Counts 1-2, Soliciting Sexual Conduct or Communication with a Minor by Use of Technology, in violation of 21 O.S.2021, § 1040.13a.<sup>1</sup> The jury returned guilty verdicts on each count with sentences of three years imprisonment. The trial court sentenced Appellant in accordance with the jury’s verdict, suspended all but the first year on each sentence and ordered the sentences to run

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<sup>1</sup> Appellant will be required to serve 85% of her sentences on both counts before becoming eligible for parole consideration. 21 O.S.Supp.2015, § 13.1.

consecutively to one another. From this judgment and sentence, Appellant appeals and raises the following propositions of error:

- I. THE DEFENDANT'S COUNSEL WAS INEFFECTIVE AND FAILED TO SUBPOENA KEY WITNESSES AND OMITTED EXCULPATORY EVIDENCE.
- II. THE COURT ERRED IN OVERRULING THE DEFENDANT'S MOTION FOR MISTRIAL.
- III. THE COURT ABUSED DISCRETION BY ALLOWING VANESSA GUINN'S TESTIMONY AS AN EXPERT WITNESS.

After thorough consideration of these propositions and the entire record before us on appeal including the original record, transcripts, and briefs of the parties, we have determined that under the law and the evidence, Appellant is not entitled to relief.

I.

In her first proposition of error, Appellant argues she received ineffective assistance of counsel. The foundation of her argument rests upon an extra-record email attached to her brief, purportedly composed by an OSBI Criminal Intelligence Analyst named Taryn Wade and sent to OSBI Agent Kevin Garrett. Appellant contends her

counsel should have subpoenaed both of these individuals to testify at trial and was ineffective for failing to do so.

Appellant's exhibit to her brief was not presented to the trial court and is not part of the appellate record. Moreover, she makes no attempt to comply with the requirements of Rule 3.11, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2026), to seek supplementation of the appellate record with this item. See *Graves v. State*, 1994 OK CR 23, ¶ 5, 878 P.2d 1075, 1077 ("For additional items to be admitted as part of the record to be considered on appeal, a ruling by this Court is required. To resolve that perception, we find Rule 3.11 must be strictly followed by any party seeking to supplement the record on appeal to this Court."). Therefore, Appellant's references to the exhibit are not considered. See *Warner v. State*, 2006 OK CR 40, ¶ 205, 144 P.3d 838, 893 (arguments relying upon matters outside of the trial record are waived).

The argument contained in Appellant's brief regarding counsel's ineffectiveness is simply a series of conclusory and speculative statements about the value of Garrett's testimony to the defense.

Appellant wholly fails to support the statements with any authority or otherwise develop her argument. Pursuant to Rule 3.5(A)(5), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. 2026), this claim is waived from appellate review. See *Knapper v. State*, 2020 OK CR 16, ¶ 89, 473 P.3d 1053, 1080 (finding claim waived under Rule 3.5(A)(5) where it is inadequately developed). Proposition I is denied.<sup>2</sup>

## II.

In her second proposition, Appellant posits the trial court erred in denying her motion for mistrial. Generally, this Court reviews these claims for an abuse of discretion. *Willis v. State*, 2017 OK CR 23, ¶ 13, 406 P.3d 30, 34. An abuse of discretion is a clearly erroneous conclusion and judgment, one that is clearly against the logic and effect of the facts presented or stated otherwise, any unreasonable or arbitrary action taken without proper consideration of the facts and law pertaining to the matter at issue. *Neloms v. State*,

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<sup>2</sup> In addition to wholly failing to follow our rules regarding supplementation of the record, Appellant failed to include a statement of facts in her brief. Additionally, what little authority appears in the brief is improperly cited.

2012 OK CR 7, ¶ 35, 274 P.3d 161,170 (internal citation and quotation marks omitted).

In this case, however, the claim is waived for violation of our Court rules. Some background regarding this claim is necessary. The State's witness, OSBI Agent Rachell Savory, examined the Cellebrite extraction of the victim's phone and made a search of the extraction using Appellant's name, Delaney. She compiled State's Exhibit 34, an excerpt from the entire extraction, which showed all entries reflecting the name Delaney. The State provided the defense with the entire Cellebrite extraction from the victim's phone, but not the excerpt. Appellant argues the State made a discovery violation because it did not give this exhibit to the defense and the violation warranted a mistrial. After the defense objected to this exhibit and requested a mistrial, the trial court ruled the defense received the information contained on State's Exhibit 34, and "[Savory] just testified to a different format of that information."

Appellant has again failed to support her argument with any relevant authority in violation of Rule 3.5(A)(5), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. 2026). *Knapper*,

2020 OK CR 16, ¶ 89, 473 P.3d at 1080. This claim is waived. Proposition II is denied.

### III.

Appellant lastly takes issue with the testimony of State's witness, Vanessa Guin, the lead forensic interviewer for the Child Advocacy Center of Central Oklahoma. The State called Guinn as a witness to testify about the dynamic of adolescent male victims of sexual assault by female perpetrators. Appellant argues here that Guinn improperly testified as an expert witness. At trial, Appellant objected to Guinn's testimony due to lack of notice. Therefore, our review of this claim is for plain error. *See Bench v. State*, 2018 OK CR 31, ¶ 140, 431 P.3d 929, 966 (where the challenge on appeal differs from that raised at trial, appellate review is for plain error). As set forth in *Simpson v. State*, 1994 OK CR 40, ¶¶ 2, 11, 23, 30, 876 P.2d 690, 694-95, 698-701, we determine whether Appellant has shown an actual error, which is plain or obvious, and which affects his or her substantial rights. This Court will only correct plain error if the error seriously affects the fairness, integrity or public reputation of

the judicial proceedings or otherwise represents a miscarriage of justice. *Id.*, 1994 OK CR 40, ¶ 30, 876 P.2d at 701.

At a hearing regarding Guinn's testimony, the trial court ruled she could not testify as an expert but as a layperson. Appellant contends Guinn testified as an expert and that somehow this prejudiced her. Based upon Guinn's qualifications and experience in the field of forensic interviewing of child sex abuse victims, she certainly is an expert in that area. Her trial testimony that male adolescent victims of sexual abuse rarely disclose the abuse and that the abuse is generally disclosed accidentally helped the jury understand why the disclosure in this case occurred as it did.<sup>3</sup> Appellant does not maintain that Guinn lacked the qualifications to give her trial testimony or that her testimony was of no use to the jury, nor does she attempt to explain her contention that Guinn's testimony was improper.

The record demonstrates the propriety of Guinn's testimony. Appellant has failed to explain her position regarding the testimony

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<sup>3</sup> The record reveals that one of CC's friends heard him talking about his relationship with Appellant and reported what she heard to a teacher at WHS.

much less show any error flowing from it. Accordingly, Proposition III is denied.

**DECISION**

The Judgment and Sentence of the district court is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2026), the **MANDATE** is **ORDERED** issued upon delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY, THE HONORABLE SHEILA G. KIRK, ASSOCIATE DISTRICT JUDGE**

**APPEARANCES AT TRIAL**

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**OPINION BY: LUMPKIN, P.J.:**

MUSSEMAN, V.P.J.: Concur

LEWIS, J.: Concur

HUDSON, J.: Concur

ROWLAND, J.: Concur

**TO: Oklahoma Bar Journal**

On the 12 day of March, 2026, the following opinion was delivered to the clerk:

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA  
OPINION

EMMA DELANEY HANCOCK v. STATE OF OKLAHOMA  
Case No. F-2025-23

EMMA DELANEY HANCOCK, Appellant, was tried by jury for the crime of Soliciting Sexual Conduct or Communication with a Minor by Use of Technology (counts 1 & 2) in Case No. CF-2023-117 in the District Court of LINCOLN County. The jury returned a verdict of guilty and recommended as punishment Three (3) Years Imprisonment on each count, with all but the first year suspended on each count and ordered the sentences to run consecutively to one another. The trial court sentenced accordingly. From this judgment and sentence EMMA DELANEY HANCOCK has perfected his appeal. The Judgement and Sentence is AFFIRMED. OPINION BY: Lumpkin, P.J.; Musseman, V.P.J., Concur; Lewis, J., Concur; Hudson, J., Concur; Rowland, J., Concur.