

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

October 9, 2026

Christopher M. Wolpert
Clerk of Court

SONIA R. WEIDENFELDER,

Petitioner - Appellant,

v.

JUSTIN FARRIS, Director,

Respondent - Appellee.

No. 26-5071
(D.C. No. 4:23-CV-00369-JDR-CDL)
(N.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **BACHARACH, McHUGH**, and **CARSON**, Circuit Judges.

Petitioner-Appellant Sonia R. Weidenfelder, an Oklahoma prisoner, seeks a certificate of appealability (“COA”) to appeal the district court’s denial of her 28 U.S.C. § 2254 petition for habeas corpus relief. Exercising jurisdiction under 28 U.S.C. § 1291, we deny Ms. Weidenfelder’s application for a COA and dismiss the matter.

I. BACKGROUND

In 2018, an Oklahoma jury convicted Ms. Weidenfelder of first-degree murder for killing her boyfriend’s ex-wife, Debra Morgan. *See* Okla. Stat. tit. 21, § 701.7(A). The State charged Ms. Weidenfelder and her boyfriend, Richard Spaulding, with first-degree

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Federal Rule of Appellate Procedure 32.1 and Tenth Circuit Rule 32.1.

murder after Ms. Morgan and Mr. Spaulding's son arrived home on November 7, 2016, to find Ms. Morgan had died from a shotgun injury to her face.¹ A separate jury convicted Mr. Spaulding of first-degree murder for the same incident. Ms. Weidenfelder and Mr. Spaulding each received a lifetime term of imprisonment.

At Ms. Weidenfelder's trial, the central issue was whether Mr. Spaulding acted alone or if Ms. Weidenfelder was responsible for murdering Ms. Morgan, too. The State told the jury that Mr. Spaulding and Ms. Weidenfelder "committed this murder so that they [could] finally have their happily ever after." App. at 142 ("They will ride or die until the end."). Ms. Weidenfelder, on the other hand, argued that Mr. Spaulding, "a crazy man who was obsessed and who was a horrible womanizer," killed Ms. Morgan on his own. *Id.* Some background on the evidence presented at trial and the litigation history of this case is needed to understand Ms. Weidenfelder's claims.

A. Mr. Spaulding and Ms. Morgan's Custody Battle

Before Ms. Morgan died, she and Mr. Spaulding were involved in a "volatile custody battle" regarding their son, A.S. *Id.* at 75. In fall 2016, there were two upcoming court dates related to their dispute. The first hearing, set for November 8, 2016, was to allocate parenting time between Mr. Spaulding and Ms. Morgan and to address

¹ Ms. Weidenfelder and Mr. Spaulding were not charged under a conspiracy theory; each was charged as a principal to first-degree murder. In Oklahoma, someone "commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being." Okla. Stat. tit. 21, § 701.7(A). But "Oklahoma law also provides that persons who aid and abet in the commission of a crime may be convicted as principals." *Torres v. Mullin*, 317 F.3d 1145, 1152 (10th Cir. 2003) (citing Okla. Stat. tit. 21, § 172).

Mr. Spaulding's failure to pay a daily \$100.00 fine that the court had imposed on him as a sanction for not complying with discovery requests. The second relevant hearing was to discuss Mr. Spaulding's non-compliance with a court-ordered payment arrangement regarding \$10,000.00 of past-due child support. That hearing was set to occur on November 18, 2016. Mr. Spaulding knew he could go to jail for failing to make his child-support payments.

These upcoming court hearings and the corresponding financial obligations concerned Mr. Spaulding. Ms. Weidenfelder had tried to help Mr. Spaulding with his custody battle in various ways. For example, Ms. Weidenfelder referred Ms. Morgan to the Department of Human Services, considered posting fliers about Ms. Morgan saying "[u]gly things," asked various people if they would write letters to the district attorney on Mr. Spaulding's behalf, and planned to reach out to the media "to bring attention to the custody battle" because she and Mr. Spaulding "felt that he had been treated unfairly through the court system." Trial Tr. Vol. III Part 2 at 26–27, *Weidenfelder v. Harris*, No. 23-cv-00369 (N.D. Okla. Dec. 4, 2023), Dkt. No. 12-17; Trial Tr. Vol. IV at 211–12, *Weidenfelder*, No. 23-cv-00369, Dkt. No. 12-18.

B. Murder Weapon

The evidence at Ms. Weidenfelder's trial showed that a city maintenance worker found a shotgun in a storm pipe several months after Ms. Morgan's death that was consistent with relevant evidence found at the murder scene. A witness, Zachary Blasdel, testified that the shotgun used to belong to him, but that the barrel had been shortened. Mr. Blasdel used to live with Patricia Nelson, who had been a romantic partner of

Mr. Spaulding. When Mr. Blasdel moved out of Ms. Nelson's residence, he left the shotgun there. Ms. Nelson did not want the shotgun in her house, and Mr. Spaulding offered to take it. Ms. Nelson gave Mr. Spaulding the shotgun in September or October of 2016. At some point, Mr. Spaulding told Ms. Weidenfelder that he wanted to "shorten it to make it a better home defense weapon." Trial Tr. Vol. IV at 179, *Weidenfelder*, No. 23-cv-00369, Dkt. No. 12-18. Around the same time, Mr. Spaulding and Ms. Weidenfelder's roommate saw Ms. Weidenfelder carrying a shotgun from the trunk of her car into the garage.

Mr. Spaulding later made a statement to law enforcement officers directing them to the location of the shotgun as part of his attempt to "exculpate himself and shift all blame for the murder to [Ms. Weidenfelder]." App. at 29. Law enforcement had already recovered the shotgun, which "was in fact found in a location"—the storm pipe—"where [Mr.] Spaulding suggested [Ms. Weidenfelder] may have disposed of it." *Id.* at 29 n.2. The jury, however, did not hear any evidence about Mr. Spaulding's statement disclosing the location of the shotgun because the district court excluded it.

C. Mr. Spaulding and Ms. Weidenfelder's Communications

The evidence at trial also included text messages between Mr. Spaulding and Ms. Weidenfelder. These conversations alluded to Mr. Spaulding's upcoming court hearings and an "impending doom or deadline that was coming up." Trial Tr. Vol. IV at 173, *Weidenfelder*, No. 23-cv-00369, Dkt. No. 12-18. Mr. Spaulding indicated his intent to obtain a shotgun, gear, and a storage unit to stow items and "have access to things quickly." *Id.* at 176. Ms. Weidenfelder did not want Mr. Spaulding to get a storage unit

and told him, “I thought we were a team.” *Id.* at 175. The couple discussed that they had “no other options available.” *Id.* at 176–77. At one point, Ms. Weidenfelder told Mr. Spaulding that there was “a viable option if you would quit tying my hands.” *Id.* at 177. Mr. Spaulding responded, “Sonia, they’ll know and we would miss out on our kids’ future.” *Id.* As Mr. Spaulding’s court hearings approached, Ms. Weidenfelder told Mr. Spaulding she had an “immediate and concrete” plan that she could not discuss over text message. *Id.* at 177–78.

Over Ms. Weidenfelder’s objection, the district court also allowed the jury to hear a forty-nine-minute recording of an in-person conversation between Mr. Spaulding and Ms. Weidenfelder (“the Recording”). In the Recording, Ms. Weidenfelder reminds Mr. Spaulding “that they only have two weeks left.” App. at 141. She states, “It’s just that my last hope to do anything is gone.” *Id.* Mr. Spaulding responds, “Killing her isn’t going to do anything.” *Id.* And then, Ms. Weidenfelder says, “Yes, it will. It will stop her.” *Id.*

D. Ms. Weidenfelder’s Internet Searches

The jury also heard evidence that Ms. Weidenfelder had made Internet searches that supported her involvement in Ms. Morgan’s murder. A few weeks before the murder, Ms. Weidenfelder made over ten Internet searches along the lines of “shotgun wound to the face,” “fatal shotgun wound to face,” and “gunshot wound deaths.” Trial Tr. Vol. IV at 216–17, *Weidenfelder*, No. 23-cv-00369, Dkt. No. 12-18. Additionally, Ms. Weidenfelder made several Internet searches on the day of the murder for breaking news in Broken Arrow, Oklahoma, which is where the murder occurred.

Ms. Weidenfelder began making these searches several hours before Ms. Morgan's body was discovered.

E. State Court Post-Trial Proceedings

After the jury found Ms. Weidenfelder guilty of first-degree murder, she filed a counseled appeal of her conviction and sentence to the Oklahoma Court of Criminal Appeals ("OCCA"). Ms. Weidenfelder's appellate counsel argued only that the state district court erroneously denied her motion to suppress evidence discovered through a search of two cell phones Ms. Weidenfelder owned. The OCCA affirmed the district court's judgment and Ms. Weidenfelder's sentence.

Ms. Weidenfelder subsequently filed an application for post-conviction relief in an Oklahoma district court. Her new counsel argued that Ms. Weidenfelder received ineffective assistance of appellate counsel because her appellate counsel failed to challenge the district court's rulings excluding Mr. Spaulding's statement directing law enforcement to the location of the murder weapon and admitting the Recording. The district court rejected Ms. Weidenfelder's arguments and denied her application for post-conviction relief. The OCCA affirmed.

F. Ms. Weidenfelder's § 2254 Petition

In August 2023, Ms. Weidenfelder filed a petition under 28 U.S.C. § 2254, seeking habeas corpus relief in federal district court. She was again represented by counsel. Ms. Weidenfelder made two arguments: (1) that her appellate counsel failed to challenge the district court's exclusion of Mr. Spaulding's statements to police directing them to the location of the murder weapon; and (2) that her appellate counsel failed to

challenge the district court's admission of the Recording. The district court denied Ms. Weidenfelder's petition, and she timely filed this appeal.

II. LEGAL STANDARD

Ms. Weidenfelder must obtain a COA before she can appeal the district court's denial of her habeas petition. *Montez v. McKinna*, 208 F.3d 862, 866–67 (10th Cir. 2000); 28 U.S.C. § 2253(c)(1)(A). A COA may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This standard requires Ms. Weidenfelder to show “that reasonable jurists could debate whether . . . the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

The Oklahoma courts rejected Ms. Weidenfelder's claims on the merits, so our evaluation of her COA application incorporates the “deferential treatment of state court decisions” under the Antiterrorism and Effective Death Penalty Act of 1996. *Pacheco v. Habti*, 62 F.4th 1233, 1247 (10th Cir. 2023) (internal quotation marks omitted). Ms. Weidenfelder may obtain relief only if the state courts' resolution of her claims was either “contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States,” § 2254(d)(1), or “based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding,” § 2254(d)(2).

When we apply this standard, “deference and reasonableness are our watchwords.” *Meek v. Martin*, 74 F.4th 1223, 1248 (10th Cir. 2023). We must “give the benefit of the doubt” to the state courts’ merits decisions. *Klein v. Martin*, 607 U.S. 213, 220 (2026) (internal quotation marks omitted). Ms. Weidenfelder “must show far more than clear error”; she “must instead establish that the state court blundered so badly that every fairminded jurist would disagree with the decision.” *Id.* (brackets and internal quotation marks omitted). Ms. Weidenfelder cannot meet this exacting standard.

III. DISCUSSION

Ms. Weidenfelder claims she received ineffective assistance of counsel when she directly appealed her conviction to the OCCA. As noted, we may grant Ms. Weidenfelder’s application for a COA only if she has shown that “reasonable jurists would find the district court’s assessment of the constitutional claim[] debatable or wrong.” *Slack*, 529 U.S. at 484.

The relevant questions in an ineffectiveness claim are whether “counsel’s representation fell below an objective standard of reasonableness” and whether “the deficient performance prejudiced the defense.” *Strickland v. Washington*, 466 U.S. 668, 687–88 (1984). Under the first prong, we “must apply a ‘strong presumption’ that counsel’s representation was within the ‘wide range’ of reasonable professional assistance.” *Harrington v. Richter*, 562 U.S. 86, 104 (2011) (quoting *Strickland*, 466 U.S. at 689). The prejudice prong then requires the petitioner to show “there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” *Strickland*, 466 U.S. at 694. The petitioner must make both

showings, so “a court need not determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies.” *Id.* at 697. Indeed, where “it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice,” then “that course should be followed.” *Id.*

Our review of a § 2254 claim alleging ineffective assistance of counsel is “doubly deferential” because we defer to Ms. Weidenfelder’s appellate counsel *and* the state court. *Dunn v. Reeves*, 594 U.S. 731, 738 (2021). We ask “not merely whether counsel performed reasonably under *Strickland*.” *Martinez v. Quick*, 134 F.4th 1046, 1057 (10th Cir. 2025) (internal quotation marks omitted). The question, instead, “is whether there is any reasonable argument that counsel satisfied *Strickland*’s deferential standard.” *Id.* (brackets and internal quotation marks omitted).

Ms. Weidenfelder argues her appellate counsel was ineffective for two reasons. First, she contends her counsel failed to challenge the trial court’s decision to exclude Mr. Spaulding’s statements to police directing them to the location of the murder weapon. Second, she asserts her counsel failed to challenge the trial court’s admission of the Recording, which captured forty-nine minutes of Mr. Spaulding and Ms. Weidenfelder’s conversation about their plans regarding Ms. Morgan.

A. Murder Weapon

First, Ms. Weidenfelder argues her appellate counsel failed to challenge the trial court’s ruling excluding Mr. Spaulding’s statement to police regarding the location of the murder weapon. The OCCA concluded there was no reasonable probability that Mr. Spaulding’s statements directing police to the shotgun’s location would have

changed the outcome of Ms. Weidenfelder’s trial.² In so holding, the OCCA identified and applied the *Strickland* standard:

The State presented ample evidence that [Ms. Weidenfelder] and [Mr.] Spaulding—motivated by a protracted and contentious child custody battle over [Mr.] Spaulding’s child and a well-founded belief that [Mr.] Spaulding was imminently going to jail for unpaid child support—conspired to murder his child’s mother before the next scheduled court date. Such evidence included, but was not limited to, incriminating text messages between [Mr.] Spaulding and [Ms. Weidenfelder], an audio recorded conversation between [Mr.] Spaulding and [Ms. Weidenfelder] discussing a plot to murder the victim, [Ms. Weidenfelder’s] internet search history using search terms such as “fatal shotgun wound to the face” and “shotgun wound deaths” a few weeks before the victim was killed by a shotgun wound to the head, and [Ms. Weidenfelder’s] repeated internet searches for “Broken Arrow breaking news” beginning the afternoon after the murder was committed but hours before the victim’s body was discovered.

* * *

[Ms. Weidenfelder] has not shown that [Mr.] Spaulding’s statement evincing knowledge of the murder weapon’s location, had it been admitted at trial, would have negated her own culpability for the murder or otherwise affected the outcome of the trial. We therefore find that exclusion of the statement did not have a substantial influence on the outcome of the trial.

App. at 30–31.

² In reaching this conclusion, the OCCA stated that there was “ample evidence” that Mr. Spaulding and Ms. Weidenfelder “conspired to murder” Ms. Morgan. App. at 30. Ms. Weidenfelder argues that this demonstrates that the OCCA’s analysis was premised on the wrong legal theory because Ms. Weidenfelder and Mr. Spaulding were each charged as a principal to first-degree murder and not as co-conspirators. But aside from this statement, the OCCA makes several assertions demonstrating that it understood that Ms. Weidenfelder and Mr. Spaulding were charged as principals to first-degree murder. *See* App. at 27 (noting Ms. Weidenfelder was convicted of first-degree murder); *id.* at 29 n.1 (noting that Mr. Spaulding and Ms. Weidenfelder “were charged conjointly” and that Mr. Spaulding was convicted of first-degree murder in a separate trial). As a result, we agree with the district court that the OCCA’s mere use of the word “conspired” does not suggest that it unreasonably applied Supreme Court precedent to Ms. Weidenfelder’s claim.

The district court determined that the OCCA's conclusion was "well within the range of reasonable applications of *Strickland*." *Id.* at 172. As the OCCA described, the jury heard ample evidence that Ms. Weidenfelder, together with Mr. Spaulding, planned to murder Ms. Morgan to eliminate the problems that Ms. Morgan was causing to the couple's lives through her custody dispute with Mr. Spaulding. And the jury had access to text messages and an audio recording showing that, in the days and weeks leading to the murder, Mr. Spaulding and Ms. Weidenfelder repeatedly talked about making plans, running out of time, and even the murder weapon itself.

The district court reasoned that "Mr. Spaulding could have known the location of the murder weapon if he acted alone or if he and Ms. Weidenfelder acted together to perpetrate the crime." App. at 172. We agree. Contrary to Ms. Weidenfelder's assertion, the mere fact that Mr. Spaulding knew where the shotgun was hidden has no bearing on whether Ms. Weidenfelder was guilty of first-degree murder based on her own participation in the crime. There is therefore no reasonable probability that Mr. Spaulding's statements would have changed the trial's outcome. Accordingly, Ms. Weidenfelder has not shown that the OCCA's resolution of her claims was "contrary to, or involved an unreasonable application of, clearly established Federal law." 28 U.S.C. § 2254(d)(1).

B. Audio Recording

Second, Ms. Weidenfelder argues her appellate counsel failed to challenge the trial court's admission of the Recording that captured forty-nine minutes of Mr. Spaulding and Ms. Weidenfelder discussing their options and plans regarding Ms. Morgan.

Ms. Weidenfelder contends that permitting the jury to hear Mr. Spaulding's statements on the audio recording violates her Sixth Amendment right to confrontation. Recall that in the Recording, Mr. Spaulding states, "Killing her isn't going to do anything," and Ms. Weidenfelder responds, "Yes, it will. It will stop her." App. at 141. The OCCA rejected Ms. Weidenfelder's Sixth Amendment argument "[b]ecause the challenged statements were nontestimonial." App. at 35. Because the OCCA concluded Ms. Weidenfelder's claim lacked merit, it held that her appellate counsel was not ineffective under *Strickland*.

The district court again concluded that Ms. Weidenfelder failed to demonstrate that the OCCA unreasonably applied *Strickland*.³ The Sixth Amendment's Confrontation Clause bars the "admission of testimonial statements of a witness who did not appear at trial unless he was unavailable to testify, and the defendant had . . . a prior opportunity for cross-examination." *Crawford v. Washington*, 541 U.S. 36, 53–54 (2004).

Mr. Spaulding was unavailable to testify because he invoked his Fifth Amendment right against self-incrimination, and Ms. Weidenfelder had not had a prior opportunity to cross-examine him about the statements. But the statements Mr. Spaulding made on the

³ The district court's conclusion rested on two rationales: (1) that Mr. Spaulding's statements were introduced only to provide context to Ms. Weidenfelder's responses and not for the truth of the matter asserted; and (2) that Mr. Spaulding's statements were non-testimonial. The OCCA relied only on the rationale that Mr. Spaulding's statements were non-testimonial and therefore outside of the Confrontation Clause's protection. Because the OCCA's conclusion was not objectively unreasonable, we need not reach the district court's alternative conclusion that the statements were not introduced to prove the truth of the matter asserted.

Recording were not testimonial, so they do not fall within the Confrontation Clause's protection.

Statements are testimonial when “the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution.” *Davis v. Washington*, 547 U.S. 813, 822 (2006). Confrontation Clause cases often involve statements that are the products of police questioning, but the Supreme Court has declined to categorically exclude from constitutional protection statements made to individuals other than law enforcement officers. *See Ohio v. Clark*, 576 U.S. 237, 246 (2015). It has emphasized, however, that “such statements are much less likely to be testimonial than statements to law enforcement officers.” *Id.* The “primary purpose” analysis looks to all the relevant facts, including the motives of both parties to the conversation, the relationship between the participants, the formality of the situation, and whether an ongoing emergency was occurring. *See id.* at 247–49; *Michigan v. Bryant*, 562 U.S. 344, 366–71 (2011).

Ms. Weidenfelder argues that “[t]he recording was testimonial because [Mr.] Spaulding obviously made it as insurance to use against [her] in the event of trial, which is in fact what happened.” Appellant’s Br. at 26. She asserts that nothing in *Davis* or *Crawford* suggests that statements “made during a private, informal conversation” are necessarily non-testimonial. *Id.* at 27. But the dicta in the Court’s cases indeed suggests that a private conversation between a romantic couple discussing an ongoing problem in their lives and how they will deal with it falls outside the Confrontation Clause’s protection as a non-testimonial statement, even if Mr. Spaulding had “mixed motives” in

suggesting Ms. Weidenfelder wanted to kill Ms. Morgan. *See Bryant*, 562 U.S. at 368–69 (explaining that the “primary purpose” test applies—thus requiring an assessment of, among other things, the formality of the situation and the relationship between the participants—even though the parties to a conversation may have “mixed motives” for the questions they ask and statements they make); *Crawford*, 541 U.S. at 51 (“An accuser who makes a formal statement to government officers bears testimony in a sense that a person who makes a casual remark to an acquaintance does not.”); *Clark*, 576 U.S. at 249 (“It is common sense that the relationship between a student and his teacher is very different from that between a citizen and the police. We do not ignore that reality.”); *Davis*, 547 U.S. at 822 (holding that statements are testimonial when their primary purpose “is to establish or prove *past* events potentially relevant to later criminal prosecution” (emphasis added))).

Persuasive authority supports this conclusion. In *Weedman v. Hartley*, 396 F. App’x 556, 563 (10th Cir. 2010) (unpublished)⁴, we declined to issue a COA in part because the Confrontation Clause did not encompass the petitioner’s co-conspirator’s statements to two of his friends about a murder he committed. The statements were non-testimonial because they “were made informally and out of court or custody to an acquaintance.” *Id.*; *see also Horton v. Allen*, 370 F.3d 75, 84 (1st Cir. 2004) (holding the Confrontation Clause did not apply to statements made during a private conversation with an acquaintance); *Delgadillo v. Woodford*, 527 F.3d 919, 926–27 (9th Cir. 2008) (holding

⁴ We cite unpublished cases for their persuasive value only and do not treat them as binding authority. *See United States v. Ellis*, 23 F.4th 1228, 1238 n.6 (10th Cir. 2022).

the state court did not unreasonably apply Supreme Court precedent by concluding that casual remarks to co-workers did not amount to testimonial statements under the Confrontation Clause); *United States v. Spotted Elk*, 548 F.3d 641, 662 (8th Cir. 2008) (holding that a defendant’s “reported utterance” was nontestimonial because it “was not a statement of fact, but a proposal of a future course of action . . . , uttered not to any official, but to a co-defendant”).

Ms. Weidenfelder’s Confrontation Clause argument lacks merit, so “counsel’s failure to raise it does not amount to constitutionally ineffective assistance.” *Ryder ex rel. Ryder v. Warrior*, 810 F.3d 724, 746 (10th Cir. 2016) (quotation marks omitted). And because we conclude Ms. Weidenfelder’s ineffective assistance of counsel claim fails, the OCCA’s determination was not “obviously wrong,” *Shinn v. Kayer*, 592 U.S. 111, 118 (2020), nor was the district court’s resolution “debatable,” *Slack*, 529 U.S. at 484.

IV. CONCLUSION

For the foregoing reasons, we conclude that reasonable jurists could not debate the district court’s denial of Ms. Weidenfelder’s § 2254 petition. We therefore DENY a COA as to all claims and DISMISS this matter.

Entered for the Court

Carolyn B. McHugh
Circuit Judge