

Court cannot tell from the court file exactly how much time that is.” On April 15, 2002, a written order was filed stating Appellant’s “suspended sentence is revoked and that the defendant be imprisoned in a penitentiary for a term of 4 years, 4 months.” (O.R.145).

Appellant brings this appeal asserting one proposition of error. Appellant claims the written order revoking was in error because Mr. Baker had less than four years and four months remaining on his suspended sentence and, in addition, Mr. Baker did not receive the orally ordered full credit for time in confinement at a state mental hospital for observation, treatment, and evaluation.

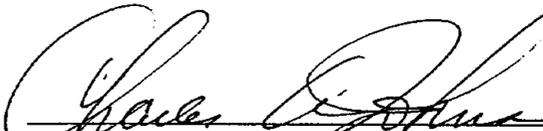
The State agrees with the first portion of Appellant’s argument that he had less than four years and four months remaining on his suspended sentence, and that he should be credited for approximately 25 additional days against his revoked suspended sentence. Appellant has not established entitlement to sentence credit for his time spent at Eastern State Hospital for observation, treatment, and evaluation. The District Court gave Appellant credit for any time in which he has already spent in DOC custody. However, his suspended sentence had not yet been revoked, and he was not an inmate in DOC custody during his time spent at Eastern State Hospital for observation, treatment, and evaluation. *Young v. State*, 1968 OK CR 227, ¶¶ 2, 3, 448 P.2d 294, 295; 57 O.S.2001, § 138(G).

IT IS THEREFORE THE ORDER OF THIS COURT that the order of the District Court of Ottawa County revoking Appellant’s suspended sentence in

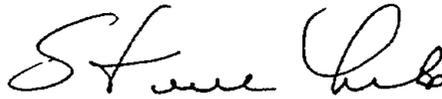
Case No. CF-1998-225 should be, and is hereby, **AFFIRMED**, and the sentence modified from "a term of 4 years, 4 months" to a term of 4 years, 90 days.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 2nd day
of April, 2003.



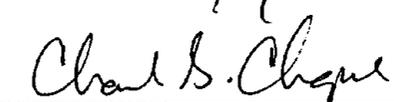
CHARLES A. JOHNSON, Presiding Judge



STEVE LILE, Vice Presiding Judge



GARY L. LUMPKIN, Judge



CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge

ATTEST:

Clerk