

III. The evidence was insufficient to establish unlawful possession of marijuana.

After a thorough consideration of these propositions and the entire record before us, including the original record, transcripts, and briefs of the parties, we find reversal is not required, but modification is warranted as set forth below.

With respect to proposition one, we find (and the State concedes) the trial judge erred by making the mandatory fine provision from the 63 O.S.Supp.2002, § 2-415(C)(4), i.e., \$25,000 to \$200,000, optional. When the jury imposed no fine, the trial judge imposed what he mistakenly thought was the minimum fine, i.e., \$100,000. No one corrected him. While that fine is within the range of punishment, we find it is proper to modify to the minimum fine of \$25,000.

With respect to propositions two and three, we find, after viewing the evidence in the light most favorable to the State and accepting all reasonable inferences and credibility choices that tend to support the jury's verdict, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *Spuehler v. State*, 1985 OK CR 132, ¶ 7, 709 P.2d 202, 203-204.

DECISION

The judgment and sentence are hereby **AFFIRMED**, except the fine portion of Appellant's sentence is hereby **MODIFIED** to \$25,000.00. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2005), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF TULSA COUNTY
THE HONORABLE TOM C. GILLERT, DISTRICT JUDGE

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CHAPEL, P.J.: CONCUR
C. JOHNSON, J.: CONCUR
A. JOHNSON, J.: CONCUR IN RESULT
LEWIS, J.: CONCUR

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