

DEC 04 2003

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

**MICHAEL S. RICHIE**  
**CLERK**

JEREMY LAVELL BATTLE, )  
 )  
 Appellant, )  
 v. )  
 )  
 THE STATE OF OKLAHOMA, )  
 )  
 Appellee. )

NOT FOR PUBLICATION  
Case No. F-2003-305

**SUMMARY OPINION**

**CHAPEL, JUDGE:**

Jeremy Battle was tried by jury and convicted of Robbery with a Firearm in violation of 21 O.S.2001, § 801 after former conviction of a felony in Tulsa County District Court Case No. CF-2002-811. In accordance with the jury's recommendation, the Honorable Rebecca Nightingale sentenced Battle to ten (10) years' imprisonment, a \$500.00 fine, and a \$250.00 victim compensation assessment. Battle appeals this judgment and sentence.

Battle raises the following proposition of error:

- I. The trial evidence was insufficient to support Mr. Battle's conviction because the accomplice testimony of Marcus Culverson was not sufficiently corroborated. Because the State presented no evidence that independently connected Mr. Battle with the commission of the crime, Appellant's conviction must be reversed.

After thorough consideration of the entire record before us on appeal, including the original record, transcripts, and briefs, we find that reversal is required by

the law and evidence. We find in Proposition I that the evidence was insufficient.<sup>1</sup>

### **Decision**

The Judgment and Sentence is **REVERSED** and **REMANDED** with instructions to **DISMISS**.

#### **ATTORNEYS AT TRIAL**

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#### **OPINION BY: CHAPEL, J.**

JOHNSON, P.J.: CONCUR  
LILE, V.P.J.: CONCUR  
LUMPKIN, J.: DISSENT  
STRUBHAR, J.: CONCUR

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<sup>1</sup> *Bryson v. State*, 876 P.2d 240, 256 (OkI.Cr.1994), *cert. denied*, 513 U.S. 1090, 115 S.Ct. 752, 130 L.Ed.2d 651 (1995)(accomplice's testimony must be corroborated to sustain conviction). Here, beyond the testimony of Battle's accomplice Marcus Culverson there is simply no evidence connecting Battle to the commission of this crime.