

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

HARRY C. BENNETT, JR.,

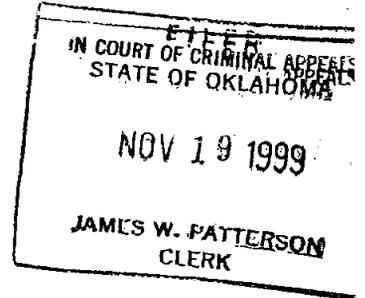
Appellant,

-vs-

THE STATE OF OKLAHOMA,

Appellee.

No. RE-1998-1478



**ACCELERATED DOCKET ORDER AFFIRMING  
ACCELERATION OF DEFERRED SENTENCING  
AND MODIFYING SENTENCE**

The Appellant, Harry C. Bennett, Jr., has appealed to this Court from the acceleration of his deferred sentencing in Case No. CF-98-55B in the District Court of Creek County. In that case, Appellant pled guilty to Omission to Provide for a Child and sentencing was deferred for a term of five (5) years, until April 23, 2003, under rules and conditions of probation. On December 9, 1998, Appellant's sentencing was accelerated and he was sentenced to a term of five (5) years imprisonment. Appellant perfected the above-styled appeal.

In this appeal, Appellant raises only one (1) proposition of error claiming his five (5) year sentence exceeds the four (4) year maximum sentence prescribed by statute for the crime charged. In its response brief, the State confesses that the sentence exceeds the statutory maximum and asks that Appellant's sentence be modified from five (5) years to four (4) years imprisonment. Attached to the State's brief is Appellant's agreement and affidavit to accept as relief the modification of his sentence from five (5) years to four (4) years imprisonment, and to waive any further right to appeal.

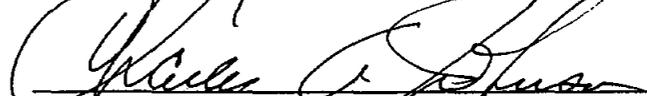
**IT IS THEREFORE THE ORDER OF THIS COURT** that the acceleration of Appellant's deferred judgment and sentence in Case No. CF-98-55B in the District Court of Creek County should be, and is hereby, **AFFIRMED**, but the sentence should be, and is hereby, **MODIFIED** from five (5) years to four (4) years imprisonment.

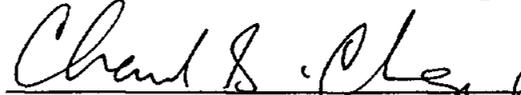
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 19 day of November, 1999.

  
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**RETA M. STRUBHAR, Presiding Judge**

  
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**GARY L. LUMPKIN, Vice Presiding Judge**

  
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**CHARLES A. JOHNSON, Judge**

  
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**CHARLES S. CHAPEL, Judge**

  
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**STEVE LILE, Judge**

ATTEST:

  
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Clerk