

Following a revocation hearing, the Honorable Robert G. Haney, District Judge, found Appellant had violated the rules and conditions of his probation and revoked six years of Appellant's remaining nine-year suspended sentence. Appellant appeals from the revocation of his suspended sentence.

In Appellant's sole proposition of error, he argues that Judge Haney abused his discretion by including one year of post-imprisonment supervision in the revocation order. Appellant argues that ordering one year of post-imprisonment supervision is impermissible in this case. The State concedes this proposition and agrees that the period of post-imprisonment supervision should be vacated. We agree. This case deals with Appellant's nine-year suspended sentence. Appellant's suspended sentence was pursuant to 63 O.S.Supp.2004, § 2-402. This statute does not provide for post-imprisonment supervision. Further, 22 O.S.Supp.2012, § 991a-21, the more general statute allowing for imposition of post-imprisonment supervision in certain cases, was not effective until November 1, 2012.

DECISION

The revocation of Appellant's suspended sentence in Ottawa County District Court Case No. CF-2005-0465 is **AFFIRMED**; the one year of post-imprisonment supervision is **VACATED** and the case is **REMANDED** for issuance of a revocation order consistent with this opinion. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2015), the **MANDATE** is **ORDERED** issued upon the filing of this decision.

**REVOCATION APPEAL FROM THE DISTRICT COURT OF
OTTAWA COUNTY, THE HONORABLE ROBERT G. HANEY,
DISTRICT JUDGE**

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OPINION BY: JOHNSON, J.

SMITH, P.J.: Concur
LUMPKIN, V.P.J.: Concur
LEWIS, J.: Concur
HUDSON, J.: Concur

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