



We affirm the trial court's order revoking Appellant's suspended sentences. However, we agree the District Court had no authority to order Appellant's sentences be served consecutively when the original sentences were ordered to run concurrently. "The consequence of judicial revocation is to execute a penalty previously imposed in the Judgment and Sentence." *Marutzky v. State*, 1973 OK CR 398, ¶ 5, 514 P.2d 430.

**IT IS THEREFORE THE ORDER OF THIS COURT**, by a vote of 4 - 0, after hearing oral argument, that the order revoking Appellant's suspended sentences is **AFFIRMED**. However, the matter is **REMANDED** to the District Court of Payne County with instructions to enter Amended Judgments and Sentences which order the sentences to run concurrently, and not consecutively.

**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 9<sup>th</sup> day of July, 1999.

**NOT PARTICIPATING**

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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