

Oral argument was held March 29, 2001, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court.

If Appellant believes he has been deprived of his right to seek to withdraw his guilty plea, the proper procedure is to file an Application for Post-Conviction Relief in the District Court requesting an appeal out of time. Rule 2.1(E)(1). This procedure is specifically designed to allow a hearing wherein it can be determined whether Appellant was in fact unaware of his rights, and whether counsel was ineffective in advising Appellant and in preserving those rights. *Lewis v. State*, 2001 OK CR 6, ¶ 6, ___ P.2d ___.

However, we do find under the facts and circumstances of this case that Appellant's sentence should be modified to run concurrently, and not consecutively, with Oklahoma County District Court Case No. CF 98-8376.

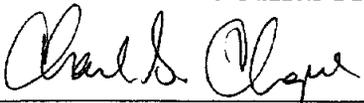
IT IS THEREFORE THE ORDER OF THIS COURT, by a four (4) to zero (0) vote, after hearing oral argument, that the acceleration of Appellant's deferred sentence in the District Court of Canadian County in Case No. CF-98-4 is **AFFIRMED**, but the sentence is **MODIFIED** to run concurrently with Oklahoma County District Court Case No. CF-98-8376.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 6th day of April, 2001.



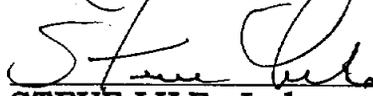
CHARLES A. JOHNSON, Vice Presiding Judge



CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge



STEVE LILE, Judge

ATTEST:



Clerk