

Casey's suspended sentence was revoked in full. From that order of revocation, Casey has perfected this appeal.²

In his first assignment of error, Casey asserts the written order revoking his sentence was in error because it did not comport with the trial court's previous order that the sentences were to be served concurrently. Casey asserts a trial court has no authority by an intervening revocation order to order any term beyond the term of the original sentence. *See Hemphill v. State*, 1998 OK CR 7, ¶ 9, 954 P.2d 148, 151. The State agrees with Casey and does not object to the correction of the record by order *nunc pro tunc* to reflect Casey's sentence was revoked for nine years. We find Casey's claim has merit. This matter **SHALL** be **REMANDED** to the District Court with instructions to correct the revocation order to reflect that nine total years was revoked because the sentences in CF-2008-351 and CF-2008-529 were ordered to run concurrently.

In his final assignment of error, Casey claims the District Court abused its discretion in revoking his suspended sentence in full. A District Court's decision to revoke a suspended sentence in whole or in part is reviewable under the abuse of discretion standard. *Hampton v. State*, 2009 OK CR 4, ¶ 10, 203 P.3d 179, 182. Further, revocation of a suspended sentence is justified even if a violation of only one condition is shown by a preponderance of the evidence. *McQueen v. State*, 1987 OK CR 162, ¶ 2, 740 P.2d 744, 745.

² Case Nos. RE-2010-403 and RE-2010-404 were consolidated for purposes of appeal.

Based on the record before this Court, we find no abuse of discretion in the District Court's revocation of Casey's suspended sentence in full.

DECISION

The order of the District Court of Rogers County revoking Eddie Ray Casey, Jr.'s suspended sentence in Case Nos. CF-2008-351 and CF-2008-529 is **AFFIRMED**. However, the matter is **REMANDED** to the District Court with **INSTRUCTIONS** to correct by order *nunc pro tunc* the revocation order to reflect that nine total years was revoked. Pursuant to Rule 3.15, Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch. 18, App. (2011), the **MANDATE** is **ORDERED** issued upon the filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF ROGERS COUNTY
THE HONORABLE ERIN L. OQUIN, SPECIAL JUDGE**

ATTORNEYS AT TRIAL

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OPINION BY: C. JOHNSON:

A. JOHNSON, P.J.: NOT PARTICIPATING
LEWIS, V.P.J.: CONCUR IN RESULTS
LUMPKIN, J.: CONCUR
SMITH, J.: CONCUR