



II. Prosecutorial misconduct at Ms. Coleman's trial deprived her of due process of law and resulted in a disproportionate sentence.

After thorough consideration of the entire record before us on appeal including the original record, transcripts, briefs and exhibits of the parties, we find that relief should be granted in part (Count II must be reversed with instructions to dismiss) and denied in part (Count I and III must stand).

In reaching our decision, we find in Proposition I that Coleman's conviction for two counts of Unlawful Possession of a Controlled Substance violates double jeopardy because the substances were contained within a single container.<sup>1</sup> Accordingly, Count II must be reversed with instructions to dismiss. In Proposition II, we find that any possible error from the prosecutor's conduct or statements did not influence the jury's determination of guilt or the appropriate punishment.<sup>2</sup>

### **Decision**

The Judgments and Sentences of the trial court as to Count I and III are **AFFIRMED**. Count II is **REVERSED** with instructions to **DISMISS**.

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<sup>1</sup> *Watkins v. State*, 855 P.2d 141 (Okla.Cr.1992).

<sup>2</sup> *Hartsfield v. State*, 722 P.2d 717, 720 (Okla.Cr.1986).

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**OPINION BY: CHAPEL, J.**

STRUBHAR, P.J.:	CONCUR
LUMPKIN, V.P.J.:	CONCUR
JOHNSON, J.:	CONCUR
LILE, J.:	CONCUR IN PART/DISSENT IN PART