



Appellant raises the following propositions of error in this appeal:

- I. Appellant was prejudiced by trial counsel's ineffective representation where he failed to communicate plea offers to Appellant; and
- II. The trial court should have granted Appellant's motion for new trial.

After a thorough consideration of these propositions and the entire record before us, including the original record, transcripts, and briefs of the parties, we find modification is required, as set forth below.

With respect to propositions one and two, Appellant has adequately shown errors by trial counsel that were so serious as to deprive him of a fair trial, one with a reliable result. The evidence presented at the hearing on the Motion for New Trial revealed Appellant's counsel failed to communicate a plea offer from the State and Appellant's counsel was being paid for his services with illegal drugs. *Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674 (1984). As he does not contest guilt, however, we find sentence modification is the best remedy. 22 O.S.2001, § 1066.

### **DECISION**

The convictions are hereby **AFFIRMED**, but the sentences are hereby **MODIFIED** to run concurrently, with all but three (3) years of the sentence on Count I to be **SUSPENDED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2005), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF CHOCTAW COUNTY  
THE HONORABLE WILLARD DRIESEL, DISTRICT JUDGE

**APPEARANCES AT TRIAL**

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**OPINION BY: LUMPKIN, P.J.**  
C. JOHNSON, V.P.J.: CONCUR  
CHAPEL, J.: CONCUR  
A. JOHNSON, J.: CONCUR  
LEWIS, J.: CONCUR

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