

FEB - 5 2001

JAMES W. PATTERSON
CLERK

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

NIKISHA LYNN FARRIS,)

Petitioner,)

v.)

THE STATE OF OKLAHOMA,)

Respondent.)

NOT FOR PUBLICATION

Case No. C-2000-750

**SUMMARY OPINION GRANTING WRIT OF CERTIORARI
TO MODIFY THE SENTENCE**

LILE, JUDGE:

Petitioner, Nikisha Lynn Farris, entered a plea of guilty to Count I - Robbery in the First Degree (21 O.S.1991, § 791) and Count II - Concealing Stolen Property (21 O.S.1991, § 1704) in Case No. CF-99-5319 in the District Court of Oklahoma County. The plea of guilty was not entered in exchange for a sentence recommendation from the District Attorney. The Honorable Jerry D. Bass, District Judge, sentenced Petitioner to one hundred (100) years imprisonment on Count I and five (5) years imprisonment on Count II, to be served concurrently. Petitioner timely filed her Motion to Withdraw Plea of Guilty, which after hearing was denied by the trial court. Petitioner has appealed the trial court's decision.

After thorough consideration of the entire record before us on appeal including the original record, transcripts, and brief of Petitioner, we affirm the trial court's ruling. In reaching our decision, we considered the following the

following propositions of error and determined that modification is required under the law and the evidence.

I. Petitioner received ineffective assistance of counsel.

II. Petitioner's sentence is excessive.

As to Proposition I, we find that Petitioner's Plea of Guilty was knowing and voluntary. *Lozoya v. State*, 1996 OK CR 55, 488 P.2d 606. We further find that trial counsel was not ineffective. *Hill v. Lockart*, 474 U.S. 52, 106 S.Ct. 366, 88 L.Ed.2d 203 (1985); *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *Braun v. State*, 1995 OK CR 42, 909 P.2d 783.

As to Proposition II, we find the sentence on Count I to be excessive and modify it to thirty (30) years incarceration. *Maxwell v. State*, 1989 OK CR 22, 775 P.2d 818.

DECISION

The Application for Writ of Certiorari is hereby **GRANTED** to modify the sentence.

ATTORNEYS AT TRIAL

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OPINION BY: LILE, J.

LUMPKIN, P.J.: CONCURS
JOHNSON, V.P.J.: CONCURS
CHAPEL, J.: CONCURS IN RESULTS
STRUBHAR, J.: CONCURS

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NO RESPONSE NECESSARY