

MAY 28 2004

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA
MICHAEL S. RICHTER
CLERK

CLIFFORD FEASTER,)	
)	
Petitioner,)	NOT FOR PUBLICATION
v.)	Case No. C-2003-1342
)	
THE STATE OF OKLAHOMA,)	
)	
Respondent.)	

SUMMARY OPINION

CHAPEL, JUDGE:

On September 18, 1998, Feaster pled guilty in Pittsburgh County District Court Case Nos. F-98-491, F-98-505, F-98-506 and F-98-507 to three Counts of Robbery by Fear, Attempted Robbery, Assault and Battery with a Dangerous Weapon, and Running a Roadblock, After Former Conviction of Two or More Felonies. The Honorable James D. Bland sentenced Feaster to concurrent forty-five (45) year prison terms on October 23, 1998. Feaster filed a motion to withdraw his plea on November 4, 1998. The district court overruled his motion. Feaster then petitioned to this Court. In its October 14, 2003 opinion, this Court remanded this case for a new hearing on Feaster's Motion to Withdraw Plea. At a hearing held on December 1, 2003, the trial court denied Feaster's motion.

Feaster raises the following propositions of error:

- I. The trial court's failure to provide a factual basis requires that Mr. Feaster be allowed to withdraw his guilty pleas.
- II. The trial court erred in refusing to grant Mr. Feaster's motion to withdraw his plea of guilty because it was not entered knowingly and voluntarily.

III. The Judgment and Sentence in F-98-491 should be modified to accurately state the judgment imposed.

After thorough consideration of the entire appellate record, including the original record, transcripts, and briefs and exhibits of the parties, we find that reversal is not required by the law and evidence. We find in Propositions I and II that the factual basis of Feaster's pleas was adequate and that his pleas were knowingly and voluntarily entered.¹ We find in Proposition III that Feaster's Judgment and Sentence in CF-1998-491 must be modified to correctly reflect the judgment imposed.

Decision

Petitioner's Writ of Certiorari is **DENIED** but the Judgment and Sentence in CF-1998-491 should be **MODIFIED** to reflect that Counts IV and V were dismissed.

ATTORNEYS AT TRIAL

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NO RESPONSE REQUIRED

¹ *Fields v. State*, 923 P.2d 624, 631 (Okla.Cr.1996)(this Court reviews trial court's denial of motion to withdraw for abuse of discretion).

OPINION BY: CHAPEL, J.

JOHNSON, P.J.: CONCUR

LILE, V.P.J.: CONCUR IN RESULTS

LUMPKIN, J.: CONCUR

STRUBHAR, J.: CONCUR