

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

CHARLES ARNOLD FIELDS,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

NOT FOR PUBLICATION

Case No. F-2005-1094

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAR 28 2007

MICHAEL S. RICHIE
CLERK

SUMMARY OPINION

A. JOHNSON, JUDGE:

Charles Arnold Fields was tried by jury in the District Court of Tulsa County, Case No. CF-2003-5983, and was found guilty of Unlawful Delivery of a Controlled Drug, After Former Conviction of Two or More Felonies in violation of 63 O.S.Supp.2003, § 2-401. The jury fixed punishment at 15 years imprisonment to life imprisonment and a \$200,000 fine. The Honorable Gary Snow, who presided at trial, imposed the indeterminate sentence and fine. From this judgment and sentence, Fields appeals.

This case raises the following issues:

1. Whether Fields waived his right to counsel knowingly and voluntarily;
2. Whether Fields's indeterminate sentence is valid; and
3. Whether the trial court erred in overruling Fields's motion to suppress.

We find the error raised in Proposition 1 requires us to reverse Fields's conviction and remand this matter for a new trial.

In Proposition 1, Fields correctly contends that he is entitled to a new trial because he never asked to represent himself below and the trial court failed to advise him in any manner of the inherent disadvantages of waiving his right to counsel and of self-representation. A defendant's right to counsel may be "waived if done knowingly and voluntarily, but waiver will not be lightly presumed, and the court must indulge every reasonable presumption against waiver." *Norton v. State*, 2002 OK CR 10, ¶ 7, 43 P.3d 404, 407; Okla. Const. art. II, § 20; U.S. Const. amend. VI. Before jury selection commenced, Fields asked to fire his attorneys. The trial judge responded that he could either represent himself and have his current attorneys act as standby counsel or proceed with his current attorneys.¹ The State confesses error on this claim and agrees that Fields is entitled to a new trial.²

DECISION

The Judgment and Sentence of the District Court is **REVERSED and REMANDED** for a new trial. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2007), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF TULSA COUNTY
THE HONORABLE GARY SNOW, DISTRICT JUDGE

¹ Fields advised the court that the NAACP was prepared to hire him an attorney and asked for a continuance.

² Propositions II and III need not be addressed because the resolution of Proposition I renders them moot.

APPEARANCES AT TRIAL

CHARLES ARNOLD FIELDS
PRO SE

JAKE BURKS
ASSISTANT DISTRICT ATTORNEY
500 SOUTH DENVER
SUITE 900
TULSA, OK 74103
FOR THE STATE

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

RC

APPEARANCES ON APPEAL

ALECIA FELTON GEORGE
GEORGE LAW OFFICE
5929 N. MAY AVENUE
SUITE 509
OKLAHOMA CITY, OK 73112
ATTORNEY FOR APPELLANT

W. DREW EDMONDSON
OKLAHOMA ATTORNEY GENERAL
DONALD D. SELF
ASSISTANT ATTORNEY GENERAL
313 N.E. 21ST STREET
OKLAHOMA CITY, OK 73105
ATTORNEYS FOR APPELLEE