



After a thorough consideration of this proposition and the entire record before us, including the original record, transcripts and briefs of the parties, we have determined Appellant's first proposition of error has merit.

Appellant waived her right to jury trial believing that the waiver was part of a negotiated plea agreement which would result in her receiving a three (3) year sentence. Having entered the waiver, without her attorney present, the court should have complied with the guidelines of *Braun v. State*, 1995 OK CR 42, 909 P.2d 783. The record of the April 27, 1999 hearing does not establish such compliance.

### **DECISION**

The Judgment of the district court is hereby **REVERSED** and the case is **REMANDED** to the District Court of Stephens County for a jury trial.

**ATTORNEYS AT TRIAL**

JAMES W. BERRY  
O.I.D.S.  
100 N. BROADWAY, SUITE 2850  
OKLAHOMA CITY, OK 73102  
ATTORNEYS FOR DEFENDANT

JERRY HERBERGER  
ASSISTANT DISTRICT ATTORNEY  
STEPHENS COUNTY COURTHOUSE  
DUNCAN, OK 73533  
ATTORNEY FOR STATE

**ATTORNEYS ON APPEAL**

KIMBERLY D. HEINZE  
1623 CROSS CENTER DRIVE  
NORMAN, OK 73019  
ATTORNEY FOR APPELLANT

W.A. DREW EDMONDSON  
ATTORNEY GENERAL  
DIANE L. SLAYTON  
ASSISTANT ATTORNEY GENERAL  
112 STATE CAPITOL  
OKLAHOMA CITY, OK 73105  
ATTORNEYS FOR APPELLEE

**OPINION BY: LILE, J.**

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

**RA**