

pro tunc Judgment and Sentence.

After thorough consideration of the propositions, and the entire record before us on appeal, including the original record, transcripts, and briefs of the parties, we affirm Appellant's Judgment and Sentence. We find in Proposition I that the trial court did not abuse its discretion in denying Appellant's requested instruction on the lesser offense of Assault and Battery. *Jones v. State*, 2006 OK CR 17, ¶ 6, 134 P.3d 150, 154; *Harris v. State*, 2004 OK CR 1, ¶ 50, 84 P.3d 731, 750.

We find in Proposition II that the evidence presented a trial was sufficient to support Appellant's conviction beyond a reasonable doubt. *Head v. State*, 2006 OK CR 44, ¶ 6, 146 P.3d 1141, 1144. *See also Spuehler v. State*, 1985 OK CR 132, ¶ 7, 709 P.2d 202, 203-04.

Finally, the sentence imposed in this case was ordered by the trial court at Formal Sentencing to run concurrently with sentences imposed in Ottawa County District Court Case No. CF-2005-403. However the Judgment and Sentence did not reflect this. Accordingly, we remand this case to the District Court for an Order *Nunc Pro Tunc* correcting the Judgment and Sentence to correctly reflect the sentence as imposed.

DECISION

The Judgment and Sentence of the district court is **AFFIRMED**. The case is **REMANDED** to the district court for an Order *Nunc Pro Tunc* correcting the Judgment and Sentence to correctly reflect the sentence as imposed at Formal Sentencing. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2009), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF OTTAWA COUNTY
THE HONORABLE ROBERT E. REAVIS, III, ASSOCIATE DISTRICT JUDGE

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OPINION BY C. JOHNSON, P.J.
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LUMPKIN, J.: CONCUR
CHAPEL, J.: CONCUR IN RESULTS
LEWIS, J.: CONCUR

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