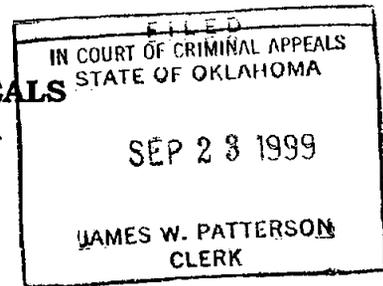


IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA



ROGER DALE HOWARD, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 STATE OF OKLAHOMA, )  
 )  
 Appellee. )

No. O-98-1381

**ACCELERATED DOCKET ORDER**

Appellant, represented by counsel, entered a guilty plea to the charge of False Declaration to a Pawnbroker in Case No. CF-97-99 in the District Court of Stephens County. Appellant was sentenced to seven (7) years, suspended. Appellant's suspended sentence was revoked in full on November 20, 1998. From this Judgment and Sentence, Appellant appeals.

On appeal Appellant raised three propositions of error:

1. After revoking Appellant's sentence in full, the District Court had no authority to order that Appellant be given no credit for any time served, as this would make Appellant's punishment greater than was originally imposed in the judgment and sentence;
2. Mr. Howard was denied his Sixth Amendment right of confrontation; and
3. The District Court's revocation of Appellant's suspended sentence was excessive under the facts of this case.

Pursuant to Rule 11.2(A)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (1998) this appeal was automatically assigned to

the Accelerated Docket of this Court. The propositions or issues were presented to this Court in oral argument September 9, 1999, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court.

The evidence presented was sufficient to support revocation of Appellant's suspended sentence. *Cooper v. State*, 599 P.2d 419, 422-23 (Okl.Cr. 1979); *Patterson v. State*, 745 P.2d 1198, 1199 (Okl.Cr. 1987). It is the finding of this Court that the trial court did not abuse its discretion in revoking Appellant's suspended sentence in full. *Harris v. State*, 772 P.2d 1329, 1331 (Okl.Cr. 1989); *Crowels v. State*, 675 P.2d 451, 453 (Okl.Cr. 1984). We also find no merit in Appellant's claim that he was denied his Sixth Amendment right of confrontation.

We agree that Appellant is entitled to credit for the time served pending the outcome of his revocation hearing.

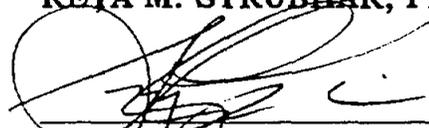
**IT IS THEREFORE THE ORDER OF THIS COURT**, by a five (5) to zero (0) vote, that the order of the District Court of Stephens County revoking Appellant's suspended sentence, in full, in Case No. CF-97-99 is **AFFIRMED**.

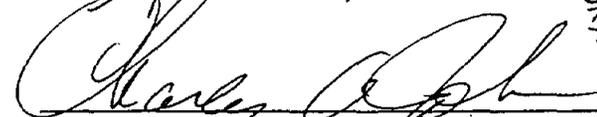
**IT IS THE FURTHER ORDER OF THIS COURT**, by a three (3) to two (2) vote, that this matter is **REMANDED** to the District Court of Stephens County for entry of an order crediting Appellant with time served pending the revocation of his suspended sentence in Case No. CF-97-99.

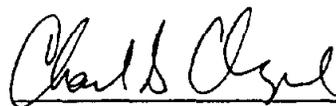
**IT IS SO ORDERED.**

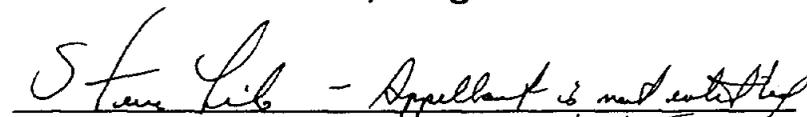
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 33<sup>rd</sup> day  
of September, 1999.

  
\_\_\_\_\_  
**RETA M. STRUBHAR, Presiding Judge**

  
\_\_\_\_\_  
**GARY L. LUMPKIN, Vice Presiding Judge** *Con in part/dissent in part*  
*I concur in with the majority but dissent the granting of Credit for Time Served.*

  
\_\_\_\_\_  
**CHARLES A. JOHNSON, Judge**

  
\_\_\_\_\_  
**CHARLES S. CHAPEL, Judge**

  
\_\_\_\_\_  
**STEVE LILE, Judge** *Appellant is not entitled to credit for time served*

ATTEST:

  
\_\_\_\_\_  
Clerk