

revoke must be held “within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant”. 22 O.S. § 991b.

The record in the present case shows Appellant entered a plea of not guilty on February 1, 2016, and the trial court set the revocation hearing for February 29, 2016, which was twenty-eight days after the entry of the plea. On February 29, 2016, the trial court reset the revocation hearing to April 26, 2016. The record in this case shows a revocation hearing set twenty-eight days after Appellant entered a plea of not guilty without securing a waiver of the twenty-day requirement found in Section 991b(A) of Title 22.

DECISION

The revocation of Appellant’s suspended sentences in McCurtain County District Court Case No. CF-2014-194 is **REVERSED** and **REMANDED FOR PROCEEDINGS CONSISTENT WITH THIS OPINION**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2016), the **MANDATE** is **ORDERED** issued upon the filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF MCCURTAIN COUNTY
THE HONORABLE WALTER HAMILTON, SPECIAL JUDGE**

APPEARANCES AT TRIAL

J.P. LONGACRE
ATTORNEY AT LAW
117 NORTH CENTRAL AVENUE
IDABEL, OKLAHOMA 74745
COUNSEL FOR APPELLANT

APPEARANCES ON APPEAL

ROBERT W. JACKSON
APPELLATE DEFENSE COUNSEL
P. O. BOX 926
NORMAN, OK 73070
COUNSEL FOR APPELLANT

EMILY HERRON
ASSISTANT DISTRICT ATTORNEY
108 NORTH CENTRAL AVENUE #1
IDABEL, OKLAHOMA 74745
COUNSEL FOR THE STATE

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA
JOSHUA L. LOCKETT
ASSISTANT ATTORNEY GENERAL
313 N.W. 21st STREET
OKLAHOMA CITY, OKLAHOMA 73105
COUNSEL FOR THE STATE

OPINION BY: SMITH, J.

LUMPKIN, P.J.: CONCUR
LEWIS, V.P.J.: CONCUR
JOHNSON, J.: CONCUR
HUDSON, J.: CONCUR

RA/F