

NOV 16 1999

JAMES W. PATTERSON
CLERK

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

KENNETH STANLEY DALE KERSTEIN,)
)
Appellant,)
)
v.)
)
THE STATE OF OKLAHOMA,)
)
Appellee.)

NOT FOR PUBLICATION

Case No. F 98-1492

SUMMARY OPINION

LILE, JUDGE:

Appellant, Kenneth Stanley Dale Kerstein, was convicted of Possession of a Firearm after Former Conviction of a Felony, after a jury trial in the District Court of Kay County, Case Number CF-97-109, before the Honorable Leslie D. Page, Associate District Judge. In accordance with the jury verdict, Judge Page sentenced Kerstein to ten years imprisonment. From this judgment and sentence Kerstein has perfected his appeal. Kerstein's sole proposition of error on appeal is that:

Mr. Kerstein did not knowingly and voluntarily waive his right to be represented by counsel.

After thorough consideration of this proposition and the entire record before us on appeal, including the original record, transcripts, and briefs, we have determined that the judgment and sentence should be reversed and remanded for a new trial. We find that there is no record to indicate that Kerstein was advised of the dangers and disadvantages of self-representation,

including a lack of knowledge and skill as to rules of evidence, procedure and criminal law. *See Braun v. State*, 1995 OK CR 42, 909 P.2d 783, 787. Therefore, his waiver of counsel was not knowing and voluntary. *Nave v. State*, 1991 OK CR 42, 808 P.2d 991, 994.

Accordingly, the judgment and sentence of the trial court is **REVERSED** and **REMANDED** for a **NEW TRIAL**.

APPEARANCES AT TRIAL

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OPINION BY: LILE, J.

STRUBHAR, P.J.: CONCURS
LUMPKIN, V.P.J.: CONCURS
JOHNSON, J.: CONCURS
CHAPEL, J.: CONCURS

RC