

APR - 9 2003

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA
CLERK

RONALD BRUCE KLEIN,)
)
 Appellant,)
)
 -vs-) No. M-2002-263
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

ACCELERATED DOCKET ORDER

The Appellant, Ronald Bruce Ogden, appeals to this Court from his misdemeanor Judgments and Sentences, entered by the Honorable Kenny D. Harris, Special Judge, in Case Nos. CM-1999-1892, CM-1999-1893, TR-1999-5680, CM-2000-868, CM-2000-869, CM-2000-870, TR-2000-2210, TR-2000-2211, and TR-2000-2212 in the District Court of Comanche County. In Case No. CM-1999-1892, Appellant was convicted of Driving Under the Influence of Intoxicating Liquor, and was sentenced to one (1) year in the County Jail, plus a \$700 fine and costs, to be served concurrently with Case No. CRF-84-158. In Case No. CM-1999-1893, Appellant was convicted of Transporting an Open Container of Beer, and was sentenced to a \$50 fine and costs. In Case No. Tr-1999-5680, Appellant was convicted of Operating a Motor Vehicle in a Manner Not Reasonable and Proper, and was sentenced to a \$75 fine and costs. In Case No. CM-2000-868, Appellant was convicted of Driving Under the Influence of Intoxicating Liquor, and was sentenced to one (1) year in the County Jail, plus a

\$700 fine and costs, to be served concurrently with Case No. CRF-84-158 but consecutively with Case No. CM-99-1892. In Case No. CM-2000-869, Appellant was convicted of Transporting an Open Container of Liquor, and was sentenced to six (6) months in the County Jail, plus a \$250 fine and costs, to be served concurrently with Case No. CRF-84-158 but consecutively with Case No. CM-2000-868. In Case No. CM-2000-870, Appellant was convicted of Attempting to Elude, and was sentenced to one (1) year in the County Jail, plus a \$350 fine and costs, to be served concurrently with Case No. CRF-84-158 but consecutively with Case No. CM-2000-869. In Case No. TR-2000-2210, Appellant was convicted of Operating a Motor Vehicle Without Equipment Required, and was sentenced to a \$25 fine and costs. In Case No. TR-2000-2211, Appellant was convicted of Operating a Motor Vehicle Without Security Verification, and was sentenced to a \$125 fine and costs. In Case No. Tr-2000-2212, Appellant was convicted of Driving Under Suspension, and was sentenced to one (1) year in the County Jail, plus a \$300 fine and costs, to be served concurrently with Case No. CRF-84-158 but consecutively with Case No. CM-2000-870.

In this appeal, Appellant raises two (2) propositions of error. Appellant first claims his successive convictions and sentences in the cases at issue occurred in violation of his constitutional protection from Double Jeopardy. The second proposition contends the February 13, 2002, sentence as interpreted by the trial court is void, and must be set aside as being in excess of the statutory maximum punishment for the crimes charged; or in the alternative, modified to

credit Mr. Klein with full discharge of the maximum four-and-one-half years imprisonment as recognized by the Oklahoma department of corrections.

Pursuant to Rule 11.2(A)(1) of the *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2003), this appeal was automatically assigned to the Accelerated Docket of this Court. The propositions or issues were presented to this Court in oral argument on March 13, 2003, pursuant to Rule 11.2(F). At the conclusion of oral argument, this Court voted five to zero (5-0) to affirm Appellant's convictions, but modify his sentences to a total of sixty (60) days, with the sentences and all fines and costs suspended.

This Court found that because Judgments and Sentences had never been entered in these cases, Double Jeopardy could not attach. This Court further found Appellant's sentences are not in excess of the statutory maximum, and that he should not be credited with full discharge of his sentences. However, this Court finds, under the circumstances of this case including Appellant's rejection of offers of suspended sentences, that Appellant's sentence should be modified.

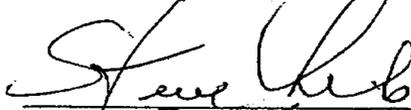
IT IS THEREFORE THE ORDER OF THIS COURT that Appellant's convictions in Case Nos. CM-1999-1892, CM-1999-1893, TR-1999-5680, CM-2000-868, CM-2000-869, CM-2000-870, TR-2000-2210, TR-2000-2211, and TR-2000-2212 in the District Court of Comanche County should be, and are hereby, **AFFIRMED**, and the sentences should be, and are hereby, **MODIFIED** to a total of sixty (60) days, with the sentences and all fines and costs suspended.

IT IS SO ORDERED.

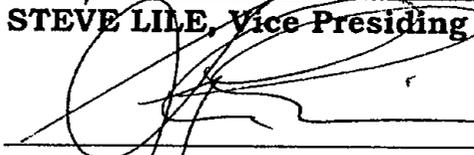
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 9th day
of April, 2003.



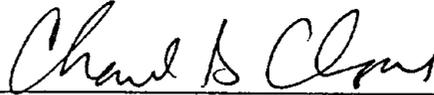
CHARLES A. JOHNSON, Presiding Judge



STEVE LILE, Vice Presiding Judge



GARY L. LUMPKIN, Judge



CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge

ATTEST:



Clerk