

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

MICHAEL ALLEN LAMB,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

No. RE 99-0211

ACCELERATED DOCKET ORDER
REVERSING ORDER REVOKING SUSPENDED SENTENCE,
REMANDING MATTER TO DISTRICT COURT UPON
STATE'S MOTION TO CONFESS ERROR, AND
NOTING THIS RECORD HAS BEEN CROSS-REFERENCED
IN PENDING APPEAL NO. F 99-1604

On December 29, 1994, Appellant entered guilty pleas in the District Court of Canadian County in Case No. CF-94-360 to Concealing Stolen Property, Case No. CF-94-361 to Burglary of an Automobile, and Case No. CF-94-369 to False Declaration of Ownership. In each case Appellant was sentenced to four years in prison, all suspended on conditions of probation, with the sentences to run concurrently.

The State filed applications to revoke suspended sentences in all three cases on March 13, 1995. These applications were dismissed on November 30, 1995, at the request of the State because a hearing was not held within twenty days. On February 3, 1999, the State again filed applications to revoke the suspended sentences alleging the same violations made in the 1995 applications. Appellant asserts that this date, February 3, 1999, was past the expiration date of the four year probationary period which began December 29, 1994. At the conclusion of the February 16-17, 1999, revocation hearing, the District Court revoked probation in all three cases. Appellant appeals from the revocation of his suspended sentences.

Pursuant to Rule 11.2(A)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (1999), this appeal was automatically assigned to the Accelerated Docket of this Court. Appellant raised the following proposition of error: "The District Court's purported revocation of Appellant's sentences should be vacated, as the probationary terms in those cases expired before the State's application to revoke was filed."

On December 3, 1999, the State, by and through Steven E. Lohr, Assistant Attorney General, filed a Motion to Confess Error. The State agrees that the application to revoke was filed almost one month after the sentences were completed. Therefore, the State joins with defense counsel and agrees that the revocation in Canadian County Case Nos. CF-94-360, CF-94-361 and CF-94-369 should be reversed.

Accordingly, the March 1, 1999, orders of the District Court of Canadian County revoking the suspended sentence of Appellant in Case Nos. CF-94-360, CF-94-361, and CF 94-369 are **REVERSED** and the matters are **REMANDED** to the District Court for proceedings consistent with this Order.

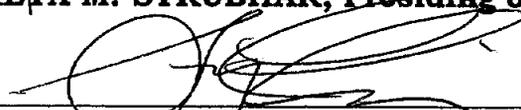
We also note, by Order of this Court on January 6, 2000, this appeal record has been cross-referenced to pending Appeal No. F 99-1604.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 24th day
of January, 2000.



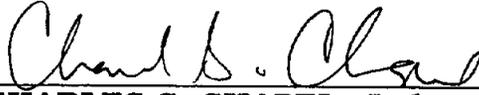
RETA M. STRUBHAR, Presiding Judge



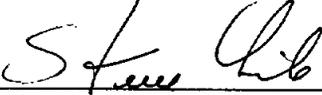
GARY L. LUMPKIN, Vice Presiding Judge



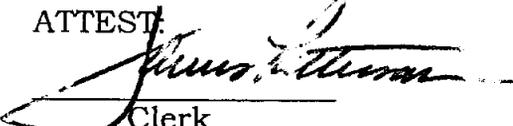
CHARLES A. JOHNSON, Judge



CHARLES S. CHAPEL, Judge



STEVE LILE, Judge

ATTEST:


Clerk