

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

**SHERICE SHAUTA MARTIN,**

**Petitioner,**

**v.**

**THE STATE OF OKLAHOMA,**

**Respondent.**

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)  
) **NOT FOR PUBLICATION**  
)

) **Case No. C-2004-850**  
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)  
) **FILED**  
) **IN COURT OF CRIMINAL APPEALS**  
) **STATE OF OKLAHOMA**

)  
) **NOV 30 2005**

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) **SUMMARY OPINION**  
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) **MICHAEL S. RICHIE**  
) **CLERK**

**LUMPKIN, VICE-PRESIDING JUDGE:**

Petitioner entered a negotiated guilty plea in three separate cases, consolidated for appeal, and was convicted in Oklahoma County of the five following crimes: in CF-02-3581, Assault with a Dangerous Weapon, in violation of 21 O.S.2001, § 645; in CF-02-3898, Assisting a Prisoner to Escape, in violation of 21 O.S.2001, § 437 (Count 1) and Obstructing an Officer in the Performance of her Official Duties, in violation of 21 O.S.2001, § 540 (Count 2); and in CF-03-2174, Distribution of CDS (cocaine base), in violation of 63 O.S.2001, § 2-401 (Count 1), and Possession of CDS in the Presence of a Child, in violation of 63 O.S.2001, § 2-402 (Count 2). In accordance with the plea agreement, she was sentenced to seven (7) years on each conviction, except count 2 of CF-02-3898, a misdemeanor, for which she was sentenced to one year. All sentences were ordered to be served concurrently and all were suspended, except for one year in CF-02-3581, which was to be served in the Avalon work release program, pursuant to the terms of the plea agreement.

Petitioner, filed a *pro se* motion to withdraw her plea, which resulted in an order from this Court for an evidentiary hearing on her motion. Following that hearing, the trial court denied the same. Petitioner now appeals from the trial court's denial of her motion to withdraw plea.

Petitioner raises the following proposition of error in support of her Petition for Writ of Certiorari:

- I. Petitioner should be allowed to withdraw her guilty pleas because the record shows they were not knowingly and voluntarily entered, but rather were made as a result of ignorance, confusion, and misunderstanding;
- II. Petitioner should be permitted to withdraw her guilty pleas because they were not voluntarily entered;
- III. Petitioner should be allowed to withdraw her guilty pleas because the factual bases for accepting them were insufficient; and
- IV. The written judgment and sentence should be corrected to reflect accurately the sentenced imposed.

After thoroughly considering these propositions and the entire record before us, we deny the Petition for Writ of Certiorari, except as follows.

With respect to propositions one and two, we find the guilty plea was knowingly and voluntarily entered and was not made as a result of ignorance, confusion, and misunderstanding. *King v. State*, 553 P.2d 529 (Okl.Cr.1976.)

With respect to proposition three, we find a sufficient factual basis supporting each of Petitioner's convictions exists within the record on appeal, except for the misdemeanor charge, count two in CF-02-3898. With respect to proposition

four, we find that, pursuant to the plea agreement, all of Petitioner's sentences in Oklahoma County cases CF-02-3581, CF-02-3898, and CF-03-2174 were to be served concurrently, and should so reflect in the judgments and sentences.

**DECISION**

The Petition for Certiorari is hereby **DENIED** as to each of Petitioner's convictions and sentences, except for the misdemeanor count 2 in CF-02-3898, which is hereby **REVERSED** and **DISMISSED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2005), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF OKLAHOMA COUNTY  
THE HONORABLE D. FRED DOAK, SPECIAL JUDGE

**APPEARANCES AT TRIAL**

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**OPINION BY: LUMPKIN, V.P.J.**  
CHAPEL, P.J.: CONCUR  
C. JOHNSON, J.: CONCUR  
A. JOHNSON, J.: CONCUR

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