



and Count 4 – Unlawful Possession of Drug Paraphernalia, all as charged in Pittsburg County District Court Case No. CF-2002-400.

On March 26, 2003, hearings were held before Judge Taylor on the petition to revoke, and on a motion to suppress evidence that had been filed by Appellant. After considering the evidence and arguments, Judge Taylor sustained the motion to suppress the evidence as to Case No. CF-2002-400. Judge Taylor further found that the exclusionary rule does not apply to the revocation proceeding in this case, because his conscience was not shocked and that there was not the permeation of injustice throughout the proceedings to cause the exclusionary rule to apply. After hearing the evidence and arguments in the revocation hearing, Judge Taylor found Appellant had violated probation and revoked her five (5) year suspended sentence. Appellant brings this appeal.

In this appeal, Appellant asserts four (4) propositions of error. The first proposition contends that the evidence adduced at the revocation hearing was obtained as a result of egregious police misconduct and therefore should have been suppressed. The second proposition contends that the evidence supporting Appellant's revocation is insufficient when contraband is not found on the accused, but on the premises to which more than one person has access. The third proposition contends that the District Court's revocation of Appellant's suspended sentence was excessive under the facts of this case and should be reversed or modified. The fourth proposition contends that the Judgment and Sentence should be modified to accurately state the sentence imposed.

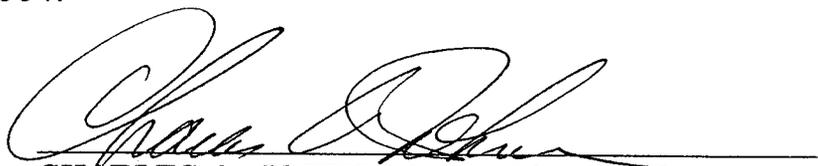
Absent egregious police misconduct, evidence illegally seized from a

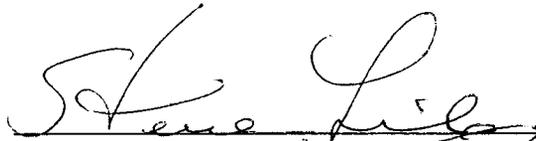
probationer is not barred by the exclusionary rule from revocation proceedings. *Richardson v. State*, 1992 OK CR 76, 841 P.2d 603. Judge Taylor did not err or abuse his discretion in finding that the acts of the sheriff's deputies in this case were not egregious and do not shock the conscience. The evidence found in the house where Appellant was residing was more than sufficient to support the revocation of Appellant's suspended sentence. *Johnson v. State*, 1988 OK CR 246, ¶¶5, 6, 764 P.2d 530, 532. The revocation of Appellant's suspended sentence, for probation violations that occurred less than one month after she received the suspended sentence, does not shock the conscience. *Long v. State*, 2003 OK CR 14, ¶6, 74 P.3d 105,107. Finally, as the State acknowledges, Appellant's Judgment and Sentence should be corrected to reflect that the misdemeanor sentence on Count 2 should be one (1) year, instead of the five (5) year sentence shown on the Judgment and Sentence. 63 O.S.2001, § 2-405.

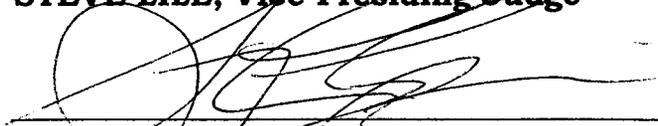
**IT IS THEREFORE THE ORDER OF THIS COURT** that the order of the District Court of Pittsburg County revoking Appellant's suspended sentence in Case No. CF-2001-551 should be, and is hereby, **AFFIRMED**. The District Court is directed to correct Appellant's Judgment and Sentence to reflect that her sentence on Count 2 is one (1) year imprisonment.

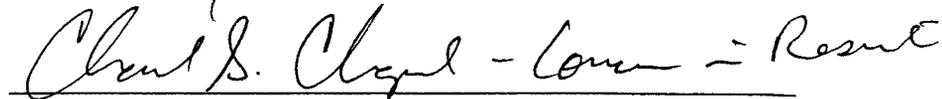
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 3<sup>rd</sup> day  
of May, 2004.

  
**CHARLES A. JOHNSON, Presiding Judge**

  
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**STEVE LILE, Vice Presiding Judge**

  
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**GARY L. LUMPKIN, Judge**

  
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**CHARLES S. CHAPEL, Judge**

  
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**RETA M. STRUBHAR, Judge**

ATTEST:

  
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Clerk