

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

MICHAEL TROY MITCHELL,

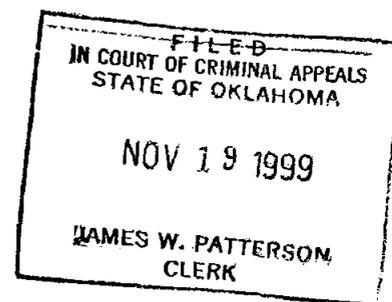
Appellant,

-vs-

THE STATE OF OKLAHOMA,

Appellee.

No. RE-99-446



**ORDER GRANTING JOINT MOTION FOR DISPOSITION;  
AFFIRMING PARTIAL REVOCATIONS OF SUSPENDED  
SENTENCES; AND MODIFYING TERMS OF SENTENCES**

The Appellant, by and through his appellate counsel of record, and the Appellee, the State of Oklahoma, have filed a joint motion for disposition of the above-styled appeal from the partial revocation of Appellant's suspended sentences in Case Nos. CF-96-208 and CF-97-92 in the District Court of Payne County. The parties agree that when Appellant was given the five (5) year suspended sentences he was sentenced beyond the statutory maximum allowed for his crimes. 21 O.S.Supp.1996, § 1541.3. The parties note that the statute only allows Appellant to have been punished for no more than one (1) year, and ask that Appellant's sentences be modified from five (5) years to one (1) year. *Id.* In exchange for the State's concession that the sentences should be modified, Appellant agrees to dismiss the other proposition of error in this appeal. Appellant's affidavit is attached to the motion acknowledging the dismissal of the other proposition and the bar to raising the issue on appeal at a future time. Rule 3.12(B)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (1999).

This Court finds the joint motion for disposition of the above-styled appeal should be, and is hereby, **GRANTED**. The partial revocations of Appellant's sentences in Case Nos. CF-96-208 and CF-97-92 in the District Court of Payne County should be, and are hereby, **AFFIRMED** and the Sentences in those cases should be, and are hereby, **MODIFIED** from a term of five (5) years to a term of one (1) year.

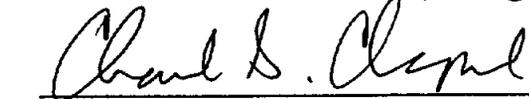
**IT IS SO ORDERED.**

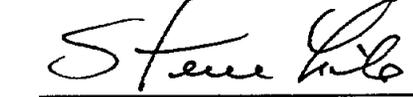
**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 19 day of November, 1999.

  
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**RETA M. STRUBHAR, Presiding Judge**

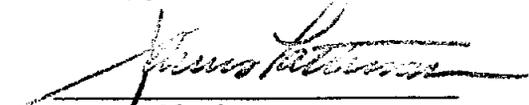
  
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**GARY L. LUMPKIN, Vice Presiding Judge**

  
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**CHARLES A. JOHNSON, Judge**

  
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**CHARLES S. CHAPEL, Judge**

  
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**STEVE LILE, Judge**

ATTEST:

  
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Clerk