

JAN 31 2001

JAMES W. PATTERSON  
CLERK

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

KATHERINE DARLENE PATTERSON,

Appellant,

v.

STATE OF OKLAHOMA,

Appellee.

No. M 99-0569

**ACCELERATED DOCKET ORDER**

Appellant was charged in the District Court of Oklahoma County, Case No. CF-98-1291, with three counts of Possession of a Controlled Dangerous Substance With Intent to Distribute and one count of Possession of Drug Paraphernalia. Following trial by jury, Appellant was found not guilty of three counts of Possession of a Controlled Dangerous Substance With Intent to Distribute, but was found guilty of Possession of Drug Paraphernalia. Appellant was sentenced April 15, 1999, by the Honorable Jerry D. Bass, District Judge, to one year in the County Jail, a fine of \$1,000.00, plus costs and fees. Appellant appeals from the Judgment and Sentence imposed.

On Appeal Appellant raised the following proposition of error:

There was insufficient evidence presented at trial to find the [Appellant] guilty of possession of drug paraphernalia.

Pursuant to Rule 11.2(A)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2000), this appeal was automatically assigned to the Accelerated Docket of this Court. The propositions or issues were presented to this Court in oral argument January 18, 2001, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this

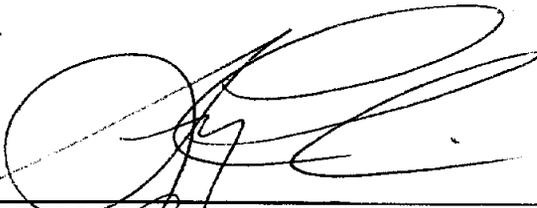
Court.

Appellant was charged with possession of drug paraphernalia "without lawful need". She was a back seat passenger in a car stopped for a traffic violation. Drugs were subsequently found in the front seat of this vehicle. There were no drugs found in the back seat. Twenty-five syringes were found in Appellant's purse. However, introduced as evidence at trial were two prescriptions for drugs prescribed for Appellant which were directed to be given by injection. The record made in this case does not establish that the State proved the syringes in Appellant's purse were for the purpose of using drugs and not for some other lawful reason. *See Hishaw v. State*, 1977 OK CR 276, 568 P.2d 643. We agree with Appellant that there was insufficient evidence presented at trial to find Appellant guilty of possession of drug paraphernalia.

**IT IS THEREFORE THE ORDER OF THIS COURT**, by a three (3) to two (2) vote, after hearing oral argument, the Judgment and Sentence of the District Court of Oklahoma County in Case No. CF-98-1291, is **REVERSED AND REMANDED WITH INSTRUCTIONS TO DISMISS**.

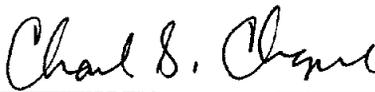
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 31<sup>st</sup> day of January, 2001.

  
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**GARY L. LUMPKIN, Presiding Judge**

**DISSENTS**

  
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**CHARLES A. JOHNSON, Vice Presiding Judge**

  
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**CHARLES S. CHAPEL, Judge**



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**RETA M. STRUBHAR, Judge**



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**STEVE LILE, Judge**

**DISSENTS**

ATTEST:



\_\_\_\_\_  
Clerk