



2. The State failed to prove that Appellant's alleged probation violations were willful.
3. Revoking Mr. Pershall's entire ten year suspended sentence was excessive in this case based on the facts and circumstances.
4. The cumulative effect of all these errors deprived Appellant of a fair and impartial proceeding.

In Appellant's first proposition of error Appellant argues the District Court lost jurisdiction to hear the State's application to revoke by failing to hold the hearing within twenty days and by timely failing to secure a waiver of the twenty-day rule. Section 991b(A) of Title 22 requires that a hearing on the State's application to revoke must be held "within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant".

The record in the present case shows Appellant was arraigned and entered a plea of not guilty on February 5, 2013. On February 22, 2013, the trial judge set the revocation hearing for February 25, 2013, which was twenty days after the entry of the plea. On February 27, 2013, the trial court reset the revocation hearing to March 13, 2013. The record in this case shows a revocation hearing held thirty-five days after Appellant entered a plea of not guilty without securing a waiver of the twenty-day requirement found in Section 991b(A) of Title 22.

Because we find merit to Appellant's first proposition of error, we do not find it necessary to address Appellant's remaining arguments.

**DECISION**

The revocation of Appellant's suspended sentences in Caddo County District Court Case No. CF-2009-102 is **REVERSED** and **REMANDED FOR PROCEEDINGS CONSISTENT WITH THIS OPINION**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2014), the **MANDATE** is **ORDERED** issued upon the filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF CADDO COUNTY  
THE HONORABLE DAVID A. STEPHENS, SPECIAL JUDGE**

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**OPINION BY: LEWIS, P.J.**

SMITH, V.P.J.: Concur  
LUMPKIN, J.: Concur  
C. JOHNSON, J.: Concur  
A. JOHNSON, J.: Concur

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