

II. Trial errors, when considered in a cumulative fashion, warrant a modification of Mr. Robbins' consecutive sentences of 200 years and 100 years.

After a thorough consideration of these propositions and the entire record before us, including the original record, transcripts, and briefs of the parties, we find reversal or modification is not required.

With respect to proposition one, we review for plain error, as no objection was raised at trial. *Simpson v. State*, 1994 OK CR 40, ¶ 2, 876 P.2d 690, 693. Finding no plain error or ineffective assistance, proposition one is denied.

In proposition two, Appellant claims four errors at trial cumulatively warrant modification of his sentence. We agree. While the trial judge's refusal to redact the sentence terms from the certified copies of his judgments and sentences was not an abuse of discretion under the facts of this case, the prosecutor's sentencing stage closing arguments made unmistakable references to the pardon and parole system to Appellant's prejudice. Any lawyer who has read our prior cases would realize any argument or instructions regarding pardon or parole are error which can lead to reversal of the case or modification of the sentence. Disregarding our caselaw is highly unprofessional and, as here, puts the jury verdict in jeopardy. While the jury could have justifiably given the same sentence based solely on the fact Appellant had twelve prior felony convictions and had that verdict sustained on appeal, the argument of the State created error that must be corrected by sentence modification. *Camp v. State*, 664 P.2d 1052, 1054 (Okl.Cr.1983). Also, the trial judge compounded the problem by overruling defense counsel's

objection and telling jurors they could not ensure Appellant would serve the amount of time given.

DECISION

Appellant's convictions are hereby **AFFIRMED**, but his sentences on Counts I and II are **MODIFIED** to fifty years each, to be served consecutively. 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 TAMMY BASS-JONES, DISTRICT JUDGE

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OPINION BY: LUMPKIN, V.P.J.
CHAPEL, P.J.: CONCUR
C. JOHNSON, J.: CONCUR IN RESULT
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