



sentences in full, "ten years". Appellant appeals from the revocation of his suspended sentences.

On appeal Appellant argues in his first proposition of error that the trial court erred by revoking the sentences for ten years. The State agrees that the District Court should issue an order *nunc pro tunc* correcting the Judgment and Sentence as Appellant only had nine years remaining on his suspended sentences, not ten years.

In Appellant's second proposition of error he argues he was denied due process of law because the District Court failed to make a written statement of the evidence to support the revocation and reasons why revocation is preferable to continued probation. The State answers that Appellant was appropriately apprised of the reasons for the revocation of his suspended sentences and that no due process violation occurred. We agree. Appellant was sufficiently apprised of the grounds upon which his suspended sentences were revoked. *See Mack v. State*, 1981 OK CR 160, ¶ 4, 637 P.2d 1262. Appellant has not shown that he has been denied due process.

Appellant's final proposition of error argues the revocation of the sentences in full was excessive. The decision to revoke a suspended sentence in whole or only in part lies within the discretion of the trial court whose decision will not be disturbed absent an abuse of discretion. *Jones v. State*, 1988 OK CR 20, ¶ 8, 749 P.2d 563. Finding no abuse of discretion, we decline to modify Judge Norman's decision to revoke Appellant's suspended sentences in full.

**DECISION**

The revocation of Appellant's suspended sentences in Muskogee County District Court Case Nos. CF-2006-776, CF-2006-789, and CF-2006-879 is **AFFIRMED** but the matter is **REMANDED** for an order *nunc pro tunc* correcting the Judgment and Sentence in each case to show nine years revoked in full and not ten years revoked in full. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2009), the **MANDATE** is **ORDERED** issued upon the filing of this decision.

**REVOCATION APPEAL FROM THE DISTRICT COURT OF MUSKOGEE COUNTY, THE HONORABLE MICHAEL NORMAN, DISTRICT JUDGE**

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**OPINION BY: C.JOHNSON, P.J.**

A. JOHNSON, V.P.J.: CONCUR  
LUMPKIN, J.: CONCUR  
CHAPEL, J.: CONCUR  
LEWIS, J.: CONCUR

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