

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
MAR 20 2002
JAMES W. PATTERSON
CLERK

ALBINO ROSENDO SOTO,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

No. M 2001-0393

ACCELERATED DOCKET ORDER

Following a trial by jury, Appellant was convicted in the District Court of McClain County, Case No. CF-2000-171, of Possession of Marijuana and was sentenced to sixty days imprisonment and fees and costs in the amount of \$234.00. Appellant appeals from the Judgment and Sentence imposed.

On Appeal Appellant raised the following propositions of error:

1. Insufficient evidence was presented that Mr. Soto knowingly possessed an illegal drug.
2. Because it was the trial court's intent to sentence Mr. Soto to the minimum victim's compensation assessment, which at the time of sentencing was twenty dollars, and because the assessment of twenty-five dollars actually imposed against Mr. Soto was the result of a misunderstanding of the law, this Court should reduce the victim's compensation assessment to twenty dollars.

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 February 28, 2002, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court.

This Court will review the evidence in the light most favorable to the State and determine whether any rational trier of fact could have found the essential elements of the crime charged beyond a reasonable doubt. In this case sufficient evidence was presented to support the jury's verdict. As for Appellant's second proposition of error, the State agrees that the Victim Compensation Assessment should be reduced to \$20.00.

IT IS THEREFORE THE ORDER OF THIS COURT, after hearing oral argument, that the Judgment and Sentence is **AFFIRMED**, but that the Victim Compensation Assessment is modified from \$25.00 to \$20.00.

IT IS SO ORDERED.

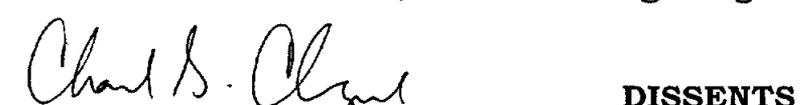
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 20th day of March, 2002.



GARY L. LUMPKIN, Presiding Judge



CHARLES A. JOHNSON, Vice Presiding Judge

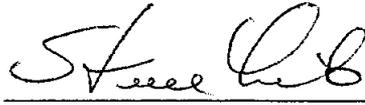


CHARLES S. CHAPEL, Judge **DISSENTS**



RETA M. STRUBHAR, Judge

DISSENTS



STEVE LILE, Judge

ATTEST:



Clerk