



imprisonment supervision is an impermissible lengthening of his sentence in this case. The State concedes this proposition and agrees that the period of post-imprisonment supervision should be vacated. We Agree.

In his second proposition of error, Appellant seeks an order *nunc pro tunc* to modify the Order Revoking Suspended Sentence. Appellant argues that the Order Revoking Suspended Sentence incorrectly states which count was revoked. While the State acknowledges the language is mistaken, this issue has not been presented to Judge Thygesen to allow him to correct any error made before asking this Court to intervene. See *Grimes v. State*, 2011 OK CR 16, ¶ 21, 251 P.3d 749, 755.

In Appellant's third proposition of error, he argues the District Court abused its discretion in revoking his suspended sentences in full. The decision to revoke a suspended sentence in whole or in part is within the sound discretion of the trial court and such decision will not be disturbed absent an abuse thereof. *Jones v. State*, 1988 OK CR 20, ¶ 8, 749 P.2d 563, 565. "An 'abuse of discretion' has been defined by this Court as a 'clearly erroneous conclusion and judgment, one that is clearly against the logic and effect of the facts presented in support of and against the application'." *Walker v. State*, 1989 OK CR 65, ¶ 5, 780 P.2d 1181, 1183. Appellant has not shown an abuse of discretion. The facts presented in this case support Judge Thygesen's decision.

**DECISION**

The revocation of Appellant's suspended sentences in Muskogee County District Court Case No. CF-1995-17 is **AFFIRMED**; the one year of post-imprisonment supervision is **VACATED** and the case is **REMANDED** for issuance of a revocation order consistent with this opinion. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2015), the **MANDATE** is **ORDERED** issued upon the filing of this decision.

**REVOCATION APPEAL FROM THE DISTRICT COURT OF MUSKOGEE COUNTY, THE HONORABLE NORMAN D. THYGESEN, ASSOCIATE DISTRICT JUDGE**

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**OPINION BY: LEWIS, J.**

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

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