

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

OCT 30 2001

JAMES W. PATTERSON
CLERK

KATHLEEN D. WILLIAMS,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

No. RE 2000-1512

ACCELERATED DOCKET ORDER
REVERSING AND REMANDING FOR FURTHER PROCEEDINGS

On September 3, 1998, Appellant pled *nolo contendere* to the charge of Omission To Provide For A Minor in the District Court of Pottawatomie County, Case No. CRF-96-135, and received a deferred sentence. On July 8, 1999, The State's motion to accelerate Appellant's deferred sentence was granted. Judgment and Sentence was imposed February 9, 2000, and Appellant was given a four year suspended sentence. On September 18, 2000, the State filed a Motion To Revoke Suspended Sentence. Following a hearing November 9, 2000, Appellant's four year suspended sentence was revoked in full. Appellant appeals from the revocation of her suspended sentence.

Pursuant to Rule 11.2, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2000), the appeal was automatically assigned to the Accelerated Docket of this Court. Appellant raised the following propositions of

error on appeal:

1. The trial court committed reversible error by revoking Appellant's suspended sentence through proceedings that denied Appellant's statutory and constitutional right to counsel free from conflict of interest.
2. Appellant's sentence must be vacated because the trial court revoked the suspended sentence on less than competent evidence.
3. Appellant's sentence is excessive and must be vacated because the trial court revoked Appellant's suspended sentence in its entirety on less than competent evidence.

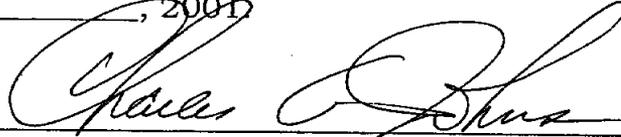
Oral argument was held October 18, 2001, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court.

In this case not only was Appellant appointed counsel to represent her at the time she pled in 1998 and received a deferred sentence who was the First Assistant District Attorney in 1996 when Appellant was charged, Appellant was appointed counsel to represent her at the revocation hearing who represented the State at Appellant's arraignment on the State's motion to vacate the deferred sentence in 1999. In *Skelton v. State*, 1983 OK CR 159, ¶ 5, 672 P.2d 671, we set out very clearly that "such a situation creates a pervasive atmosphere of impropriety" and "[u]nder no circumstances should such a situation be allowed". "The public has a right to absolute confidence in the integrity and impartiality of the administration of justice." *Id.*

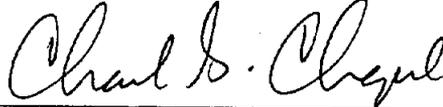
IT IS THEREFORE THE ORDER OF THIS COURT, finding merit to Appellant's first proposition of error, that the revocation order of the District Court of Pottawatomie County is **REVERSED** and the matter is **REMANDED** to the District Court for **FURTHER PROCEEDINGS**.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 30th day
of October, 2001



CHARLES A. JOHNSON, Vice Presiding Judge

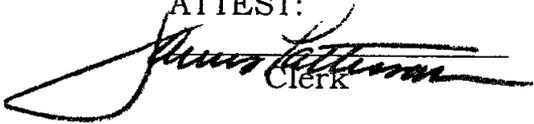


CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge

ATTEST:



Clerk