

JUN - 7 2002

JAMES W. PATTERSON
CLERK

IN THE COURT OF CRIMINAL APPEALS FOR THE STATE OF OKLAHOMA

JESSICA MELISSA WOODS,)
)
 Petitioner,)
)
 -vs-)
)
 STATE OF OKLAHOMA,)
)
 Respondent.)

NOT FOR PUBLICATION

No. C-2001-1216

SUMMARY OPINION
DENYING PETITION FOR WRIT OF CERTIORARI

STRUBHAR, JUDGE:

Jessica Melissa Woods, hereinafter Petitioner, entered a blind plea of guilty to one count of Injury to a Minor Child in the District Court of McCurtain County, Case No. CRF-2000-206, the Honorable Willard Driesel, District Judge, presiding. The trial court sentenced Petitioner to twenty (20) years imprisonment with all but the first ten years suspended. Petitioner filed a timely application to withdraw her guilty plea that was denied by the district court. From the district court's denial of her application to withdraw guilty plea, Petitioner seeks a Writ of Certiorari.

After thorough consideration of the entire record before us on appeal, including the original record, transcripts, and brief of Petitioner, we affirm the district court's denial of Petitioner's application to withdraw her guilty plea . In reaching our decision we considered the following propositions of error and

determined that reversal of the district court's ruling is not required under the law and the evidence:

- I. The district court abused its discretion in denying Petitioner's motion to withdraw plea of guilty because of the defendant's mental condition at the time of entering the plea; and
- II. Petitioner should be relieved of payment of restitution, payment of the Victim's Compensation Assessment, and payment for transcript preparation.

As to Proposition I, we find the trial court did not abuse its discretion in overruling Petitioner's motion to withdraw her plea as the record shows the plea was entered knowingly and voluntarily. *See Carpenter v. State*, 929 P.2d 988, 998 (Okl.Cr.1996); *Frederick v. State*, 811 P.2d 601, 603 (1991). As to Proposition II, we find Petitioner has failed to provide a sufficient record for us to determine if the restitution order and the Victim's Compensation Assessment were proper inasmuch as she waived the reporting of the sentencing hearing. Therefore, the claim is waived. *Hill v. State*, 898 P.2d 155, 160 (Okl.Cr.1995). We do find Petitioner should not be assessed the transcript preparation fee inasmuch as the trial court found Petitioner indigent and ordered the transcripts prepared at public expense. Accordingly, the court costs imposed in this case should be modified from \$842.90 to \$660.40.

DECISION

The Judgment of the trial court is **AFFIRMED** and the petition for a writ of certiorari is **DENIED**. The court costs imposed in this case are **MODIFIED** to \$660.40.

APPEARANCES AT TRIAL

GERALD GIBBS
ATTORNEY AT LAW
201 N. MAIN STREET
BROKEN BOW, OK 74728

DAVID A. WEBB
ATTORNEY AT LAW
P.O. BOX 894
IDABEL, OK 74745
ATTORNEYS FOR PETITIONER

VIRGINIA SANDERS
ASSISTANT DISTRICT ATTORNEY
MCCURTAIN COUNTY
DISTRICT ATTORNEY'S OFFICE
IDABEL, OK 74745
ATTORNEYS FOR THE STATE

OPINION BY: STRUBHAR, J.

LUMPKIN, P.J.: CONCUR
JOHNSON, V. P.J.: CONCUR
CHAPEL, J.: CONCUR
LILE, J.: CONCUR

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APPEARANCES ON APPEAL

S. GAIL GUNNING
OKLAHOMA INDIGENT
DEFENSE SYSTEM
1623 CROSS CENTER DRIVE
NORMAN, OK 73019
ATTORNEY FOR PETITIONER