

MAY 12 2004

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

MICHAEL S. RICHIE
CLERK

JEFFERY EDWARD WRIGHT,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

No. RE 2003-0106

SUMMARY OPINION
REVERSING REVOCATION OF SUSPENDED SENTENCE
IN CF-93-83 AND AFFIRMING REVOCATION OF
SUSPENDED SENTENCE IN CF-99-535

Appellant pled guilty June 3, 1993, in the District Court of Muskogee County, Case No. CF-93-83, to Burglary Second Degree and was given a five year deferred sentence. On July 19, 1999, Appellant pled guilty to Felonious Possession of Firearm in Muskogee County District Court Case No. CF-99-535. Following a hearing January 22, 2003, the Honorable James E. Edmondson, District Judge, revoked three years in CF-93-83 and in CF-99-535. Appellant appeals from the revocation of his suspended sentence.

On appeal Appellant raised the following propositions of error:

1. The trial court lacked jurisdiction to revoke Appellant's expired sentence in CF-93-83 which expired in May of 2001, prior to the filing of any new application to revoke suspended sentence.
2. The trial court lacked jurisdiction to revoke Appellant's suspended sentence in CF-99-535 because the State also failed to file a jurisdictional application to revoke suspended sentence in that case.

As for Appellant's first proposition of error, the State agrees that the trial court lacked jurisdiction to revoke Appellant's sentence in CF-93-83 as the sentence in this case expired prior to the filing of a new application to revoke. Addressing Appellant's second proposition of error, a review of the record does not support Appellant's contention that the trial court lacked jurisdiction to revoke Appellant's suspended sentence in CF-99-535. The record reflects the State's application to revoke was filed July 10, 2002, heard by the District Court August 5, 2002, and the matter continued for further review.

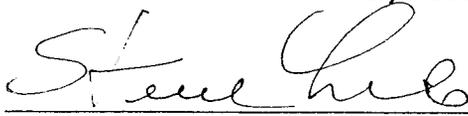
IT IS THEREFORE THE ORDER OF THIS COURT that the revocation of Appellant's suspended sentence in the District Court of Muskogee County, Case No. CF-93-83, is **REVERSED WITH INSTRUCTIONS TO DISMISS** and that the revocation of Appellant's suspended sentence in Muskogee County District Court Case No. CF-99-535 is **AFFIRMED**.

IT IS SO ORDERED.

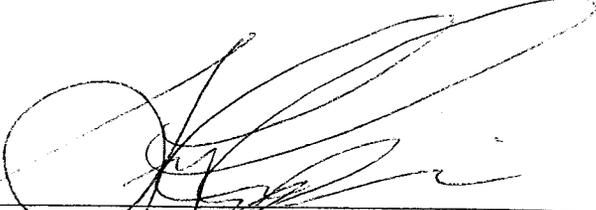
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 12th day
of May, 2004.



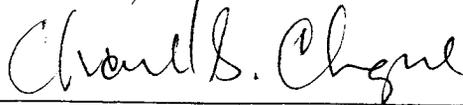
CHARLES A. JOHNSON, Presiding Judge



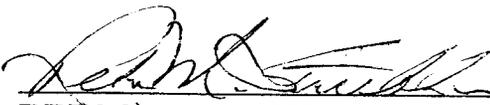
STEVE LILE, Vice Presiding Judge



GARY L. LUMPKIN, Judge



CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge

ATTEST:



Clerk