

MAR - 9 2001

JAMES W. PATTERSON
CLERK

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

JEREMY KEITH WRIGHT,)

Appellant,)

v.)

STATE OF OKLAHOMA,)

Appellee.)

No. RE 2000-0434

ACCELERATED DOCKET ORDER
REVERSING AND REMANDING MATTER TO THE DISTRICT COURT

On May 4, 1999, Appellant pled guilty in the District Court of Hughes County, Case No. CF-98-91, to Count I - Participating in a Riot and Count II - Conspiring to Commit Felony, and was given a three year suspended sentence on each count to run concurrently and with rules and conditions of probation. Appellant was fined \$250.00 and assessed court costs and fees. On March 6, 2000, the State filed an application to revoke Appellant's suspended sentences. Following a revocation hearing on March 28, 2000, Appellant's suspended sentences were revoked in full, to run concurrently. Appellant appeals from the revocation of his suspended sentences.

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 proposition of error on appeal: "Trial court lost jurisdiction to hear the application to revoke when it failed to have a hearing on the application within twenty days or secure

[Appellant's] waiver of his right to a hearing within twenty days.”

Oral argument was held March 1, 2001, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court.

Section 991b of Title 22 very clearly sets out:

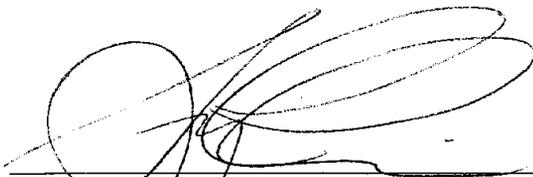
Whenever a sentence has been suspended by the court after conviction of a person for any crime, the suspended sentence of said person may not be revoked, in whole or part, for any cause unless a petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the suspended sentence is presented to the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant.

In this case Appellant appeared without counsel before the trial court on March 6, 2000, and the trial court knowingly set the revocation hearing twenty-two days out. Counsel was appointed four days later and objection was made at the revocation hearing which was held on March 28, 2000. The revocation hearing in this case was not held within twenty days after the entry of Appellant's plea and the record before this Court does not reflect a waiver by the Appellant.

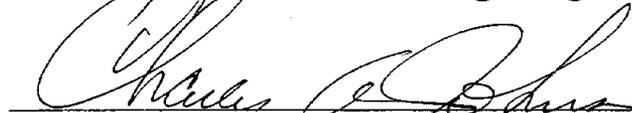
IT IS THEREFORE THE ORDER OF THIS COURT that the revocation order of the District Court is **REVERSED** and the matter is **REMANDED** to the District Court for further proceedings consistent with this Order.

IT IS SO ORDERED.

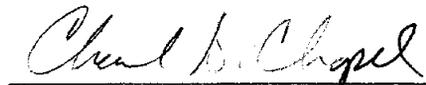
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 2nd day
of March, 2001.



GARY L. LUMPKIN, Presiding Judge



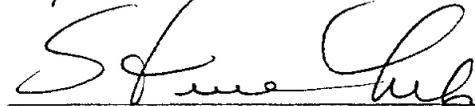
CHARLES A. JOHNSON, Vice Presiding Judge



CHARLES S. CHAPEL, Judge

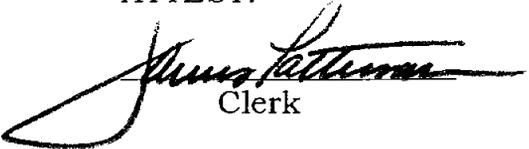


RETA M. STRUBHAR, Judge



STEVE LILE, Judge

ATTEST:


Clerk