

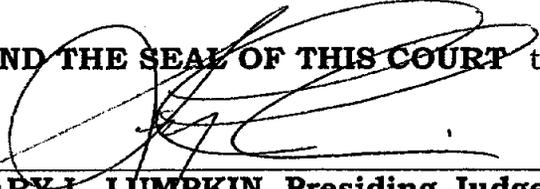
found an abuse of discretion in the District Court's decision to revoke Appellant's sentence in full, and have therefore modified the revocation of Appellant's sentence to eight (8) years. The balance of Appellant's sentence is to be suspended with the same rules and conditions of probation as ordered by the District Court on October 18, 1996.

The decision to revoke a suspended sentence in whole or in part is within the sound discretion of the trial court, and that decision will not be interfered with absent an abuse of discretion. *Harris v. State*, 1989 OK CR 10, ¶ 4, 772 P.2d 1329, 1330. In the case at bar, we find sufficient evidence was presented to demonstrate Appellant violated the terms and conditions of his probation by failing to timely report to sexual offender treatment as directed. However, we find an abuse of discretion in the District Court's decision to revoke the entirety of Appellant's suspended sentence.

IT IS THEREFORE THE ORDER OF THIS COURT, by a vote of 5 - 0, after hearing oral argument, that the order revoking Appellant's suspended sentence is **AFFIRMED. HOWEVER, IT IS THE FURTHER ORDER OF THIS COURT**, by a vote of 3 - 2, that the revocation of Appellant's sentence be modified to eight (8) years, with the balance of Appellant's sentence to be suspended with the same rules and conditions of probation as ordered by the District Court on October 18, 1996.

IT IS SO ORDERED.

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



**GARY L. LUMPKIN, Presiding Judge
Concurring in Part, Dissenting to
Modification of Revocation**



CHARLES A. JOHNSON, Vice Presiding Judge

Charles S. Chapel

CHARLES S. CHAPEL, Judge

Reta M. Strubhar

RETA M. STRUBHAR, Judge

Steve Lile

STEVE LILE, Judge

**Concurring in Result, Dissenting to
Modification of Revocation**

ATTEST:

Anna Lettman
Clerk