

MUST BE REVERSED AND REMANDED WITH INSTRUCTIONS TO DISMISS.

- MR COOPER WAS CONVICTED AND PUNISHED TWICE FOR THE SAME OFFENSE IN VIOLATION OF OKLA. STAT. TIT. 63, § 2-402(A) (SUPP.1999) AND/OR DOUBLE JEOPARDY.

After a thorough consideration of these propositions and the entire record before us, including the original record, transcripts and briefs of the parties, we have determined that neither reversal nor modification is required under the facts and the law as to Count I. We find that Count II must be reversed and dismissed.

Concerning Count I, we find that the Appellant was properly arrested for criminal trespass. 21 O.S.Supp.1999, § 1835. Illegal drugs removed from his person subsequent to the arrest were properly admitted into evidence.

We find that Appellant's conviction for possession of cocaine and marijuana, under the facts of this case, are improper under our ruling in *Watkins v. State*, 1992 OK CR 34, 855 P.2d 141, and therefore the conviction for possession of marijuana is reversed and the count is ordered dismissed.

DECISION

The judgment and sentence of the trial court for Count I is **AFFIRMED**. The judgment and sentence for Count II (Possession of Marijuana) is **REVERSED** and that count is ordered to be **DISMISSED**.

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OPINION BY: LILE, J.

LUMPKIN, P.J.: CONCURS
JOHNSON, V.P.J.: CONCURS
CHAPEL, J.: CONCURS
STRUBHAR, J.: CONCURS IN RESULTS

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