

FILED
 IN COURT OF CRIMINAL APPEALS
 STATE OF OKLAHOMA

 JAN - 9 2002
 JAMES W. PATTERSON
 CLERK

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

JASON LEE HUNT,)	
)	
Appellant,)	
)	
-vs-)	No. RE-2001-180
)	
THE STATE OF OKLAHOMA,)	
)	
Appellee.)	

ACCELERATED DOCKET ORDER

The Appellant, Jason Lee Hunt, has appealed to this Court from the revocation of his suspended sentence in Case No. CF-98-166 in the District Court of Stephens County, before the Honorable George W. Lindley, District Judge. In that case, Appellant pled guilty and was convicted of Unlawful Possession of Marihuana Second & Subsequent. He was sentenced to a term of five (5) years, with the sentence suspended under rules and conditions of probation. On August 20, 2000, the District Court partially revoked Appellant's suspended sentence, revoking sixty (60) days of the sentence and leaving the balance suspended.

On January 25, 2001, the State filed the current application to revoke the suspended sentence alleging Appellant had violated probation by failing to report to his probation officer as specifically instructed; by failing to advise his probation officer of any change of local address and his residence; by failing to make any payment toward court cost since July and being \$1,097 in arrears;

and by failing to make all \$40 monthly probation fee payments, paying \$720 and being \$360 in arrears on this obligation. The revocation hearing was conducted on February 12, 2001. After hearing the evidence, Judge Lindley found Appellant's violation of rules and conditions of probation was clear and positive, and revoked the balance of his suspended sentence in full. Appellant brings this appeal.

Appellant raises four propositions of error. The first proposition contends the trial court abused its discretion in summarily finding Mr. Hunt willfully did not pay his probation fees without making any specific findings of fact regarding his ability to pay. The second proposition claims Mr. Hunt was denied his sixth amendment right of confrontation. The third proposition claims the trial court erred by failing to determine incarceration costs within a reasonable certainty and by failing to establish the incarceration costs on the record thereby denying Appellant an opportunity to respond. The fourth proposition claims the District Court's revocation of Appellant's suspended sentence was excessive under the facts of this case and should be modified.

Pursuant to Rule 11.2(A)(2) of the *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2001), this appeal was automatically assigned to the Accelerated Docket of this Court. The propositions or issues were presented to this Court in oral argument on December 20, 2001, pursuant to Rule 11.2(F). At the conclusion of oral argument, this Court voted four to zero (4-0) to affirm the revocation of Appellant's suspended sentence, but to strike the two orders for reimbursement of jail expenses contained in the record. (O.R. 68, 73). This

Court found sufficient competent evidence was presented to support and justify the revocation of the entire balance of Appellant's suspended sentence. This Court further found the orders for reimbursement of jail expenses were neither properly requested nor authorized by the District Court.

IT IS THEREFORE THE ORDER OF THIS COURT that the revocation of Appellant's suspended sentence in Case No. CF-98-166 in the District Court of Stephens County should be, and is hereby, **AFFIRMED**, and that the orders for reimbursement of jail expenses contained at pages 68 and 73 of the Original Record should be, and are hereby, **STRICKEN**.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 9th day of January, 2002.



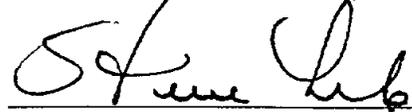
CHARLES A. JOHNSON, Vice Presiding Judge



CHARLES S. CHAPEL, Judge



RETA M. STRUBHAR, Judge



STEVE LILE, Judge

ATTEST:



Clerk