

NOV 30 2000

JAMES W. PATTERSON
CLERK

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

J.R.L.,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

No. J 2000-1066

ACCELERATED DOCKET INTERIM ORDER

Appellant, born March 27, 1985, was charged as an adult with Murder in the First Degree in the District Court of Stephens County, Case No. CF-00-145. On May 9, 2000, Appellant, by and through counsel, filed a motion to be certified as a juvenile or as a youthful offender. Following a hearing July 31, 2000, the Honorable William B. Buxton, Special Judge, denied Appellant's motion. Appellant appeals from the denial of his motion for certification as a juvenile or as a youthful offender.

On appeal Appellant raised three propositions of error:

1. The trial court abused its discretion in not certifying Appellant as a youthful offender.
2. The trial court abused its discretion in not continuing the case at the request of Appellant, which was made without objection by the State. Appellant received ineffective assistance of counsel by counsel's failure to obtain a psychological evaluation of Appellant by the time of the hearing.
3. Appellant's alleged confession was obtained in violation of his constitutional rights and was coerced.

Pursuant to Rule 11.2(A)(4), *Rules of the Oklahoma Court of Criminal*

Appeals, Title 22, Ch.18, App. (2000), this appeal was automatically assigned to the Accelerated Docket of this Court. The propositions were presented to this Court in oral argument November 30, 2000, pursuant to Rule 11.2(F). At the conclusion of oral argument, the parties were advised of the decision of this Court.

At this time, because this is a fifteen year old juvenile charged with murder in the first degree and time is of the essence, we are entering an interim order in this matter. A full published opinion will follow. The facts of this case demand that a psychological evaluation of this juvenile be performed before a proper determination of whether this juvenile should be certified as a juvenile or as a youthful offender can be made. This was not done prior to the hearing in the District Court. Therefore, the order of the District Court denying Appellant's motion for certification as either a juvenile or as a youthful offender is **REVERSED** and the matter is **REMANDED** to the District Court.

The District Court is directed to order a psychological evaluation be performed and then to conduct a hearing on Appellant's motion for reverse certification after this psychological evaluation has been made available to all of the parties. Again, because time is of the essence in this matter, this process must be completed within sixty (60) days from the date of this Order. An appeal, if desired by either party, can then be initiated from the final order of the District Court.

IT IS SO ORDERED.

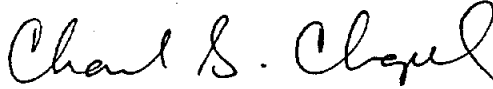
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this ^{4th} 30 day
of November, 2000.



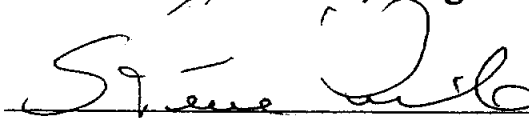
RETA M. STRUBHAR, Presiding Judge



CHARLES A. JOHNSON, Judge



CHARLES S. CHAPEL, Judge



STEVE LILE, Judge

ATTEST:



Clerk