

was sentenced to ninety (90) days imprisonment in county jail. Littleton also pled guilty to a felony charge of Escape in CF-98-166A.

On March 15, 1999, Littleton filed a *pro se* motion to withdraw his guilty pleas. After a March 23 hearing, Judge Stilwell allowed Littleton to withdraw his plea of guilty to the felony escape charge, but denied his request to withdraw his guilty pleas on the misdemeanor charges, and imposed the sentences above. Counsel filed an additional application to withdraw the misdemeanor pleas on March 26. This was denied after an April 9 hearing. Littleton filed his Petition for Writ of Certiorari on July 2, 1999.

Littleton raises two propositions in support of his petition:

- I. Littleton should be allowed to withdraw his pleas because they were not knowingly, intelligently and voluntarily entered; and
- II. The trial court's sentence is void, because as charged and proven it exceeds the maximum sentence proscribed [sic] by statute, therefore it must be set aside; or in the alternative modified.

After thorough consideration of the entire record before us on appeal including the original record, transcripts, briefs and exhibits of the parties, we affirm the trial court's denial of Littleton's application to withdraw his guilty plea. We find in Proposition I that Littleton's pleas were knowingly, intelligently and voluntarily entered.¹ We specifically find (1) Littleton's failure to fulfill the terms of his negotiated plea ensured that his plea bargain was dissolved, (2) he

¹ *King v. State*, 553 P.2d 529 (Okl.Cr.1976). Subpropositions B, C and D of Proposition I raise claims not raised in either Motion to Withdraw or in his Petition for Certiorari. These claims

appeared at the March 23, 1999, sentencing hearing to be sentenced on a blind plea, and (3) the trial court did not err in sentencing Littleton on his misdemeanor pleas. We find in Proposition II that Littleton's sentence in Case No. CM-98-189, Count III, must be modified to thirty (30) days imprisonment in the county jail.² Littleton's Motion to Supplement Appeal Record and Brief in Support is **DENIED**.

Decision

The Petition for Writ of Certiorari is **DENIED**. The sentence in Case No CM-98-189, Count III, is **MODIFIED** to thirty (30) days imprisonment in the county jail.

APPEARANCES AT TRIAL

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OPINION BY: CHAPEL, J.

STRUBHAR, P.J.:	CONCUR
LUMPKIN, V.P.J.:	CONCUR
JOHNSON, J.:	CONCUR
LILE, J.:	CONCUR

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NO RESPONSE REQUIRED

are not properly before this Court, and we do not consider them. Rules 4.2(B), 4.3(C), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App.(1999).

² 21 O.S.Supp.1996, § 1276. Although this proposition is not properly raised under Rule 4.3(C), we modify the illegal sentence in the interests of justice.