



amended applications to accelerate Appellant's judgments and sentencing alleging a total of twenty-one violations of probation. The acceleration hearing was conducted before Judge Franklin on June 25 and July 17, 2007. The sentencing hearing was conducted on August 7, 2007. In Case No. CF-2003-765, Appellant was convicted of Count 1 – Unlawful Possession of a Controlled Dangerous Substance With Intent to Distribute, and was sentenced to Life in prison. In Case Nos. CF-2003-787 and CF-2004-59, Appellant was convicted of Uttering a Forged Instrument, and was sentenced in each case to seven years in prison. All sentences were ordered to run consecutively. Appellant did not file an application to withdraw his guilty pleas in the District Court, but filed a notice of intent to bring this acceleration appeal.

Appellant only asserts one proposition of error. Appellant claims the District Court's acceleration of his deferred sentences was excessive under the facts of this case and should be reversed or modified.

Appellant only challenges the excessiveness of his sentences. He did not file an application to withdraw his pleas in the District Court, which is required to appeal from any conviction and sentence on a plea of guilty. 22 O.S.2001, § 1051; Rules 1.2(A)(2), (D)(5)(b), (c), and 4.2(A), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2008). In acceleration cases, when a defendant has not challenged his conviction and sentence in certiorari appeal proceedings, he may only challenge the validity of the acceleration order and errors in the acceleration proceeding. *Id.* Because Appellant did not properly challenge his guilty plea convictions and sentences in the District Court, and

because he only challenges the excessiveness of his sentences, Appellant's sole proposition of error in this appeal is not properly before this Court. *Id.*; see also *Raines v. State*, No. F-2007-817 (Okl.Cr. June 5, 2008) (not for publication); *Hellems v. State*, No. F-2005-784 (Okl.Cr. April 23, 2007) (not for publication); *Line v. State*, No. F-2005-664 (Okl.Cr. April 13, 2007) (not for publication).

### **DECISION**

The acceleration of Appellant's deferred judgments and sentencing in Case Nos. CF-2003-765, CF-2003-787, and CF-2004-59 in the District Court of Garfield County is **AFFIRMED**. Pursuant to Rule 3.15, *Rules, supra*, the **MANDATE** is **ORDERED** issued upon the filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF GARFIELD COUNTY  
THE HONORABLE RONALD G. FRANKLIN, DISTRICT JUDGE

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#### **OPINION BY: CHAPEL, J.**

LUMPKIN, P.J.: CONCUR IN RESULTS  
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LEWIS, J.: CONCUR  
A. JOHNSON, J.: CONCUR  
RA/F