

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

FILED
CONNER E. DOVER COURT OF CRIMINAL APPEALS NOT FOR PUBLICATION
STATE OF OKLAHOMA

Petitioner,

DEC 12 2019

v.

JOHN D. HADDEN
CLERK

Case No. C-2019-25

THE STATE OF OKLAHOMA,

Respondent.

SUMMARY OPINION DENYING CERTIORARI

LEWIS, PRESIDING JUDGE:

Conner E. Dover, Petitioner, pled guilty to Count 1, unauthorized use of a motor vehicle, in violation of 47 O.S.2011, § 4-402; and Count 2, aggravated attempting to elude a police officer, in violation of 21 O.S.2011, § 540(A)(B), in the District Court of Oklahoma County, Case No. CF-2018-610. The Honorable Ray C. Elliott, District Judge, accepted the plea and delayed sentencing pending Petitioner's completion of a Regimented Inmate Discipline program. Judge Elliott later sentenced Petitioner to five (5) years imprisonment in each count, to be served consecutively. Petitioner filed an application to withdraw the plea, which was denied. He now seeks the writ of certiorari in the following proposition of error:

The trial court abused its discretion in not allowing Mr. Dover to withdraw his guilty plea when the court did not intend to sentence him in accordance with his plea agreement.

Certiorari review is limited to whether the plea was entered voluntarily and intelligently before a court of competent jurisdiction, *Weeks v. State*, 2015 OK CR 16, ¶ 11, 362 P.3d 650, 654; whether the sentence is excessive, *Whitaker v. State*, 2015 OK CR 1, ¶ 9, 341 P.3d 87, 90; whether counsel was constitutionally effective, *Lozoya v. State*, 1996 OK CR 55, ¶ 27, 932 P.2d 22, 31, and whether the State has the power to prosecute the defendant at all, *Weeks*, 2015 OK CR 16, ¶ 12, 362 P.3d at 654.

A valid plea “represents a voluntary and intelligent choice among the alternative courses of action open to the defendant.” *North Carolina v. Alford*, 400 U.S. 25, 31, 91 S.Ct. 160, 164, 27 L.Ed.2d 162 (1970). We review the denial of a motion to withdraw a plea for an abuse of discretion, *Carpenter v. State*, 1996 OK CR 56, ¶ 40, 929 P.2d 988, 998, unless it involves a question of statutory or constitutional interpretation, which we review *de novo*. *Weeks*, 2015 OK CR 16, ¶ 16, 362 P.3d at 654.

We find that Petitioner's plea was knowingly and voluntarily entered. Petitioner's dissatisfaction with the sentences he received is not a sufficient ground for withdrawal of a plea. *Lozoya*, 1996 OK CR 55, ¶ 44, 932 P.2d at 34; *Estell v. State*, 1988 OK CR 287, ¶ 7, 766 P.2d 1380, 1383. The trial court did not abuse its discretion by denying Petitioner's motion to withdraw the plea. No relief is warranted.

DECISION

The petition for the writ of certiorari is **DENIED**. The Judgment and Sentence is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019), the **MANDATE** is **ORDERED** issued upon delivery and filing of this decision.

**APPEAL FROM THE DISTRICT COURT OF OKLAHOMA COUNTY
THE HONORABLE RAY C. ELLIOTT, DISTRICT JUDGE**

APPEARANCES AT TRIAL

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(PLEA & SENTENCING)

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ATTORNEY FOR THE STATE

NO RESPONSE NECESSARY

OPINION BY: LEWIS, P.J.
KUEHN, V.P.J.: Concur in Results
LUMPKIN, J.: Concur
HUDSON, J.: Concur
ROWLAND, J.: Concur