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10009; (2) committed the new crime of Felon in Possession of a Firearm, as alleged in Oklahoma County District Court Case No. CF-2016-9872; and (3) committed the new crime of Count 1 – Felon in Possession of a Firearm, Count 2 – Association While in Commission of a Gang Related Offense, and Count 3 – Concealing Stolen Property, as alleged in Oklahoma County District Court Case No. CF-2017-975. The State's second and third allegations were stricken prior to the revocation hearing. Following a revocation hearing on January 30, 2018, before the Honorable Ray C. Elliott, Appellant's suspended sentence was revoked in full. Judge Elliott found the violations alleged in the State's first allegation supported by a preponderance of the evidence.

Appellant appeals the revocation of his suspended sentence. On appeal Appellant argues the sole proposition of error that the State presented insufficient evidence to prove by a preponderance of the evidence that Appellant was guilty of the allegations in Oklahoma County Case No. CF-2016-10009. We affirm the order of the District Court revoking Appellant's suspended sentence.

Violations of the conditions of a suspended sentence need only be shown by a preponderance of the evidence. *Tilden v. State*, 2013

OK CR 10, ¶ 5, 306 P.3d 554, 556. Preponderance of the evidence has been defined to mean “simply the greater weight of evidence” – “that which, to the mind of the trier of fact or the seeker of the truth, seems most convincing and more probably true”. *Henderson v. State*, 1977 OK CR 238, ¶ 4, 568 P.2d 297, 297-298. Revocation is proper even if only one violation is shown by a preponderance of the evidence. *McQueen v. State*, 1987 OK CR 162, ¶ 2, 740 P.2d 744, 745. A preponderance of the evidence supports the revocation of Appellant’s suspended sentence.

DECISION

The revocation of Appellant’s suspended sentence in Oklahoma County District Court Case Nos. CF-2008-1311 is **AFFIRMED**. Appellant’s motion to supplement the record with the written motion to quash pursuant to Rule 3.11(B)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019), is **GRANTED**. The motion and transcript on the hearing on the motion to quash were reviewed by Judge Elliott without objection at the revocation hearing.

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 the filing of this decision.

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

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REVOCATION PROCEEDING**

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OPINION BY: HUDSON, J.:

LEWIS, P.J.: CONCUR
KUEHN, V.P.J.: CONCUR
LUMPKIN, J.: CONCUR
ROWLAND, J.: RECUSE

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