

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

B.M.M.,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

)
) **NOT FOR PUBLICATION**
)

) **APPROVED FOR PUBLIC**
) **RELEASE TO PUBLIC**
)

) **Case No. J-2019-162**
)

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JUN 20 2019

JOHN D. HADDEN
CLERK

SUMMARY OPINION

HUDSON, JUDGE:

On August 12, 2016, a Youthful Offender Information was filed in Tulsa County District Court Case No. YO-2016-28 charging Appellant with Robbery with a Firearm, Attempted Robbery with a Firearm, two counts of Possession of a Stolen Vehicle, Second Degree Burglary, Eluding a Police Officer, Possession of a Firearm after Adjudication and Obstructing an Officer. On November 28, 2016, Appellant entered negotiated guilty pleas and was sentenced to ten years on each count as a Youthful Offender under the custody of the Office of Juvenile Affairs. The sentences were ordered to run concurrently.

Although not without difficulty, Appellant completed the Youthful Offender Program and was paroled to his father's home. On February 21, 2019, Appellant appeared, with counsel, before the Honorable Tracy Priddy, District Judge, for the hearing mandated by 10A O.S.Supp.2018, § 2-5-209. At the conclusion of the hearing Judge Priddy bridged Appellant to a seven-year deferred sentence under the custody of the Department of Corrections. B.M.M. appeals that decision.

Pursuant to Rule 11.2(A)(3), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2019), this appeal was automatically assigned to this Court's Accelerated Docket. The propositions and issues were presented to this Court in oral argument on May 30, 2019, pursuant to Rule 11.2(E). At the conclusion of oral argument, the parties were advised of the Court's decision. The district court's order bridging Appellant to the supervision of the Department of Corrections is **AFFIRMED**.

In his first proposition of error Appellant claims the district court abused its discretion in bridging him to an adult sentence because the state did not file a motion to bridge. We find the district court correctly proceeded under 10A O.S.Supp.2018, § 2-5-209

which does not require the state to file a motion to bridge. One of the sentencing options available under this provision is to place the youthful offender “on probation with the Department of Corrections.” 10A O.S.Supp.2018, § 2-5-209(c). Considering Appellant’s overall performance in the Youthful Offender Program, he has not shown an abuse of discretion. *See Thompson v. State*, 2019 OK CR 3, ¶ 19, 438 P.3d 373, 379; *Philips v. State*, 2002 OK CR 37, ¶ 3, 59 P.3d 516, 518.

In his second proposition of error Appellant asserts his pleas were not knowingly entered. Leaving aside the fact that Appellant has not charted the appropriate course for withdrawing the pleas, he candidly admits he has no desire to do so. This being the case, we deny this proposition because the relief it seeks is advisory. *See Canady v. Reynolds*, 1994 OK CR 54, ¶ 10, 880 P.2d 391, 394 (“this Court could not issue an opinion in any matter not at issue before it”).

In his final proposition of error Appellant again argues the decision to bridge him to an adult sentence was an abuse of discretion. When the trial court exercises the sentencing discretion afforded to it by Section 2-5-209, our task is to review the sentencing

decision for an abuse of that discretion. *B.J.B. v. State*, 2004 OK CR 17, ¶ 6, 88 P.3d 931, 932. As we concluded in the first proposition, there was no abuse of discretion.

The Judgment and Sentence of the district court 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.

**AN APPEAL FROM THE DISTRICT COURT OF TULSA COUNTY
THE HONORABLE TRACY PRIDDY, DISTRICT JUDGE**

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OPINION BY: HUDSON, J.

LEWIS, P.J.: CONCUR IN RESULTS
KUEHN, V.P.J.: CONCUR IN RESULTS
LUMPKIN, J.: CONCUR
ROWLAND, J.: CONCUR