

ORIGINAL



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

RYAN MITCHELL CRONIC,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

NOT FOR PUBLICATION

No. RE-2018-662

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

AUG 29 2019

**JOHN D. HADDEN
CLERK**

S U M M A R Y O P I N I O N

KUEHN, VICE PRESIDING JUDGE:

Appellant, Ryan Mitchell Cronic, plead guilty to three felony counts of Concealing Stolen Property in Oklahoma County District Court Case No. CF-2013-2184. He was sentenced to five years suspended on each count. Appellant was ordered to pay restitution.

Appellant also plead guilty to one felony count of Concealing Stolen Property in Oklahoma County District Court Case No. CF-2015-580. He was sentenced to five years imprisonment, with sentence suspended in full and ordered to run concurrently with Case No. CF-2013-2184, with credit for time served.

The State filed an Application to Revoke Suspended Sentence for each case alleging that Appellant violated the terms of his suspended

sentences by failing to pay supervision fees and restitution. Appellant stipulated to these allegations and was ordered to serve thirty days in the custody of the Oklahoma County Sherriff. The applications to revoke were subsequently dismissed upon a motion by the State.

The State filed a second Application to Revoke Suspended Sentence for each case alleging Appellant again failed to pay supervision fees and restitution. These Applications were amended to include Appellant's new charges of Aggravated Attempting to Elude a Police Officer, Driving While Revoked, and Failure to Provide Proof of Security Verification.

Following a hearing on the State's applications, the Honorable Timothy R. Henderson, District Judge, ordered Appellant's suspended sentences revoked in full. Appellant appeals the revocation of his suspended sentences raising the sole proposition of error that the revocation of his suspended sentences was an abuse of discretion. We affirm the order of the District Court revoking Appellant's suspended sentences in full.

The decision to revoke a suspended sentence in whole or in part is within the sound discretion of the trial court and such decision will

not be disturbed absent an abuse thereof. *Tilden v. State*, 2013 OK CR 10, ¶ 10, 306 P.3d 554, 557. “An ‘abuse of discretion’ has been defined by this Court as a ‘clearly erroneous conclusion and judgment, one that is clearly against the logic and effect of the facts presented in support of and against the application.’” *Walker v. State*, 1989 OK CR 65, ¶ 5, 780 P.2d 1181, 1183. Appellant has not shown an abuse of discretion.

A review of the record shows a discrepancy concerning Appellant’s sentences. The Judgment and Sentence for both cases reflect Appellant was given a ten year suspended sentence, whereas all other documents in the record refer to a suspended sentence of five years. Therefore, the matter is remanded to the District Court with instructions to address the inconsistency. *See Sears v. State*, 2019 OK CR 8, ¶ 8, ___ P.3d ___.

DECISION

The District Court’s revocation of Appellant’s suspended sentence in Oklahoma County District Court Case Nos. CF-2013-2184 and CF-2015-580 is **AFFIRMED**, but the matter is **REMANDED** to the District Court for further proceedings consistent with this Opinion. 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 delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF OKLAHOMA
COUNTY, THE HONORABLE TIMOTHY R. HENDERSON,
DISTRICT JUDGE**

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REVOCATION HEARING**

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OPINION BY: KUEHN, V.P.J.:

LEWIS, P.J.: CONCUR
LUMPKIN, J.: CONCUR
HUDSON, J.: CONCUR
ROWLAND, J.: CONCUR

RB/F