

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS IN THE STATE OF OKLAHOMA

VICTOR MANUEL CASTRO-HUERTA,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

Case No. F-2017-1203

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
JAN 16 2018

PETITION-IN-ERROR

Appellant, Victor Manuel Castro-Huerta, appears by his attorney and shows this Court the following:

I.

Appellant was found guilty by a jury before the Honorable William D. LaFortune, District Judge, in Tulsa County District Court, Case No. CF-2015-6478, of Child Neglect, in violation of 21 O.S.2011, § 843.5(C). The jury assessed punishment of 35 years' imprisonment, which the trial court imposed. Judgment and Sentence were imposed on November 29, 2017, and Appellant was given credit for time served.

II.

Written Notice of Intent to Appeal and Designation of Record were filed on November 29, 2017. A review of the docket sheet does not reflect the filing of a Motion for New Trial.

III.

No appeal bond was set by the District Court. Appellant is currently in the custody of the Department of Corrections.

IV.

This is a direct appeal based on the statutory authority of 22 O.S. 2011, § 1051.

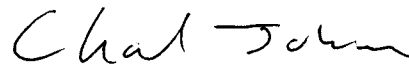
V.

Appellant respectfully requests that the Judgment and Sentence of the District Court be reversed.

Respectfully submitted,

VICTOR MANUEL CASTRO-HUERTA

By:



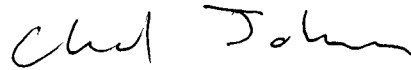
Chad Johnson
Appellate Defense Counsel
Bar No. 32432
PO Box 926
Norman, Oklahoma 73070
(405) 801-2727

ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

This is to certify that on January 16, 2018, a true and correct copy of the foregoing Petition in Error was served upon the Attorney General by leaving a copy with the Clerk of the Court of Criminal Appeals for submission to the Attorney General, and was caused to be mailed, via United States Postal Service, postage pre-paid, to Appellant at the address set out below, on the date of filing or the following business day.

Victor Manuel Castro-Huerta, #775868
North Fork Correctional Facility
1605 East Main Street
Sayre, OK 73662



Chad Johnson



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

2017 DEC -5 AM 11:03

State Of Oklahoma, -vs- CASTRO-HUERTA, VICTOR MANUEL SS.# UNKNOWN DOB XXX-XX-1985	Case No. CF-15-6478 Count No. 1
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**DISTRICT COURT
FILED**

DEC 05 2017

ORIGINAL

**JUDGMENT AND SENTENCE
All Time In Custody
Felony**

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Now, this 29TH day of NOVEMBER, 2017 this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, KATIE EGEN, and the State of Oklahoma is represented by ANDREA BROWN/KEVIN GRAY, and the Court Reporter, JANA HARRINGTON is present.

The defendant has been found **GUILTY** by jury to the crime of CHILD NEGLECT , in violation of 21 O.S. 843.5 (C) Date Of Offense: 03/01/2013

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of the stated offense and is sentenced to **THIRTY FIVE (35) YEARS** all under the custody and control of the **DEPARTMENT OF CORRECTIONS WITH CREDIT FOR TIME SERVED.**

Upon release from such confinement, the Defendant shall serve a term of post-imprisonment supervision, under conditions prescribed by the Department of Corrections, for a period of **NINE (9) MONTHS TO ONE (1) YEAR.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general miscellaneous costs of this action, the defendant is also sentenced to: **DEFENDANT ASSESSED A \$150.00 VICTIM'S COMPENSATION ASSESSMENT, PLUS COST.**

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this

sentencing hearing, or within ten (10) days of discharge, if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Tulsa County, Oklahoma, is ordered and directed to deliver the defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the defendant as herein before provided. The Sheriff is to make due return to the clerk of this Court with his proceedings endorsed thereon.

COURT CLERK'S DUTY

[TRIAL JUDGE TO COMPLETE THIS SECTION]

IT IS FURTHER ORDERED that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

() As to Count(s) 1, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.

() Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) _____.

() As to Count(s) _____, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.

() Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

Witness my hand the day and year first above mentioned.

Witness my hand this 1st DAY OF DECEMBER, 2017



JUDGE WILLIAM D. LaFORTUNE

ATTESTATION:

DON NEWBERRY
District Court Clerk Tulsa County

By: 

MORGAN LEFFINGWELL, Deputy

OFFICER'S RETURN OF SERVICE

Received this order the ____ day of _____, _____, and executed it by delivering said defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma on the ____ day of _____, _____.

VIC REGALADO, SHERIFF, TULSA COUNTY, OKLAHOMA

By: _____

Deputy

COURT CLERK'S CERTIFICATION

I, Don Newberry, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the ____ day of _____, _____.

DON NEWBERRY, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: _____, Deputy