

ORIGINAL



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

SEAN BRYCE HILL,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

NOT FOR PUBLICATION

Case No. F-2018-326

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 23 2019

JOHN D. HADDEN
CLERK

SUMMARY OPINION

LEWIS, PRESIDING JUDGE:

Sean Bryce Hill, Appellant, was tried by jury and convicted of stalking, a felony, in violation of 21 O.S.Supp.2015, § 1173, in the District Court of Tulsa County, Case No. CF-2017-3903. The jury sentenced him to four (4) years imprisonment and a \$2,500.00 fine. The Honorable April Seibert, Special Judge, pronounced judgment and sentence accordingly. Mr. Hill appeals in the following proposition of error:

1. The State did not prove beyond a reasonable doubt the existence of the protective order during the incidents after February 27, 2018 by not introducing the protective order which was in existence during this time. The use of the temporary protective order was not an (sic) accurate after February 27, 2018, and to state it was in existence was prejudicial and a misstatement of the facts.

In Proposition One, Appellant challenges the State's failure to produce evidence that a protective order was in effect at the time of his alleged following and harassment of the victim. We review this proposition by viewing the evidence, and all reasonable inferences from it, in the light most favorable to the State, asking whether any rational trier of fact could find the defendant guilty of the charged crime beyond a reasonable doubt. *Spuehler v. State*, 1985 OK CR 132, ¶ 7, 709 P.2d 202, 203-04. The evidence that Appellant followed and harassed the victim while a valid protective order prohibited these acts is sufficient. Proposition One is denied.

DECISION

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 the delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF TULSA COUNTY
THE HONORABLE APRIL SEIBERT, SPECIAL JUDGE**

APPEARANCES AT TRIAL

CARL FUNDERBURK
1848 EAST 15TH STREET
TULSA, OK 74104
ATTORNEY FOR DEFENDANT

TARA BRITT
STEPHANIE DURAN-QUINTANA
ASST. DISTRICT ATTORNEYS
500 S. DENVER, SUITE 900
TULSA, OK 74103
ATTORNEYS FOR THE STATE

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

APPEARANCES ON APPEAL

CARL FUNDERBURK
1848 EAST 15TH STREET
TULSA, OK 74104
ATTORNEY FOR APPELLANT

MIKE HUNTER
ATTORNEY GENERAL
AMBER MASTERS
ASST. ATTORNEY GENERAL
313 N.E. 21ST STREET
OKLAHOMA CITY, OK 73105
ATTORNEYS FOR APPELLEE