

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
FILED

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Donald Krushawn Jordan, SALLY HOWE SMITH  
Petitioner, COURT CLERK

SALLY HOWE SMITH, COURT CLERK  
STATE OF OKLA: TULSA COUNTY

vs. ) Case No. CF-2007-3829  
)  
State of Oklahoma, )  
Respondent. )

**ORDER GRANTING**  
**PETITIONER'S "APPLICATION FOR POST CONVICTION RELIEF"**


This matter comes on for hearing on this, the 10<sup>th</sup> day of November, 2010 pursuant to the Petitioner's "Application for Post-Conviction Relief." The Petitioner filed an "Application for Post-Conviction Relief" in the above numbered cause in May of 2010. The State filed its response to the Petitioner's "Application for Post Conviction Relief" on November 5, 2010. In said "Response to Petitioner's 'Application for Post Conviction Relief'" the State conceded that pursuant to 22 O.S. § 1080(d) the Petitioner had met his burden that there existed evidence of material facts, not previously presented and heard, that required vacation of the Petitioner's conviction in the interests of justice.

22 O.S. § 1085 provides that if the Court finds in favor of the applicant, it shall vacate and set aside the judgment and sentence and discharge or resentence him, or grant a new trial, or correct or modify the judgment and sentence as may appear appropriate.

Further, the Court shall enter any supplementary orders as to arraignment, retrial, custody, bail, discharge, or other matters that may be necessary and proper.

Based upon the State's Response to the Petitioner's "Application for Post-Conviction Relief," the Court hereby grants the Petitioner's "Application for Post-Conviction Relief" and vacates and sets aside the judgment and sentence as to the Petitioner's conviction for "Trafficking in Illegal Drugs" and grants the Petitioner a new trial in this matter.

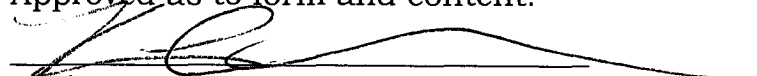
It is so Ordered this 10<sup>th</sup> day of November, 2010.

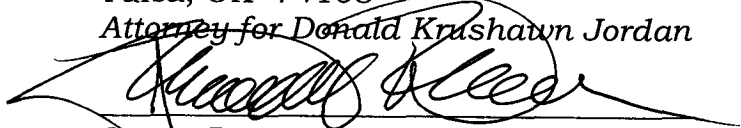
  
\_\_\_\_\_  
Judge Matthew Henry

Attest:

  
\_\_\_\_\_  
Deputy Court Clerk

Approved as to form and content:

  
\_\_\_\_\_  
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*Attorney for Donald Krushawn Jordan*

  
\_\_\_\_\_  
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