

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

MARVIN BLADES JR.,)
)
 Appellant,)
)
 v.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

NOT FOR PUBLICATION

Case No. F-2013-781

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JUL 25 2014

SUMMARY OPINION

MICHAEL S. RICHIE
CLERK

C. JOHNSON, JUDGE:

Appellant, Marvin Blades Jr., was convicted after a bench trial in Tulsa County District Court, Case No. CF-2012-3859, of five counts of Robbery with a Firearm (21 O.S.2011, § 801). On August 8, 2013, the Honorable Tom C. Gillert, District Judge, sentenced him to thirty-five years imprisonment on each count. Counts 1-3 were ordered to be served concurrently with one another. Counts 4 and 5 were suspended on conditions of probation, to be served concurrently with each other but consecutively to the prison term imposed on Counts 1-3.¹ This appeal followed.

Appellant raises the following propositions of error:

1. The evidence was insufficient to support Appellant's convictions.
2. The evidence was insufficient on Counts 2 and 3 because the victims were unable to identify Appellant as the perpetrator.

¹ Appellant is required to serve at least 85% of his sentence before being eligible for parole. 21 O.S. § 13.1(8).

After thorough consideration of the propositions, and the entire record before us on appeal, including the original record, transcripts, and briefs of the parties, we affirm. Appellant was a Tulsa police officer, charged with taking money from motorists' wallets during several traffic stops in 2011 and 2012. In Proposition 1, he claims he cannot be guilty of Robbery with a Firearm, because he never brandished his service firearm or verbally threatened to use it during any of the traffic stops. However, each victim testified that he was stopped by a uniformed Tulsa Police officer, and that he submitted to the officer's demands for that reason. The plain language of 21 O.S.2011, § 801 does not require that the perpetrator point the firearm at anyone, or that he verbally threaten to discharge it. It only requires that the robbery be effected "with the use of" a firearm. *Id.* The trial court, sitting as fact-finder, reasonably concluded that Appellant used the accoutrements of a uniformed police officer – including his service firearm – to intimidate his victims and facilitate the taking of their property. 21 O.S.2011, § 801; *Mitchell v. State*, 1965 OK CR 138, ¶¶ 10, 11, 408 P.2d 566, 570-71; *McCoy v. State*, 1975 OK CR 117, ¶ 9, 536 P.2d 1309, 1312. Proposition 1 is denied.

In Proposition 2, Appellant claims his convictions on two of the five counts must be vacated, because those two victims could not identify him as the perpetrator. We disagree. All five crimes shared a common *modus operandi*. Appellant stopped Hispanic males in the same part of town for alleged traffic violations. He either removed the victim's wallet himself, or had

the victim place the wallet on the dashboard and then exit the vehicle. The circumstances common to all of the crimes lead to the reasonable inference that Appellant committed each one of them. *Williams v. State*, 1970 OK CR 192, ¶ 14, 478 P.2d 359, 362. Furthermore, the State established that Appellant was on duty at the time these two victims claimed to have been robbed, and that he conducted radio checks of license tags on the vehicles that these victims drove. The evidence supports Appellant's convictions. Proposition 2 is denied.

DECISION

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. (2014), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE DISTRICT COURT OF TULSA COUNTY
THE HONORABLE TOM C. GILLERT, DISTRICT JUDGE

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OPINION BY C. JOHNSON, J.

LEWIS, P.J.: CONCUR
SMITH, V.P.J.: CONCUR
LUMPKIN, J.: CONCUR
A. JOHNSON, J.: CONCUR

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