

AUG 31 2021

JOHN D. HADDEN  
CLERK

2021 OK CR 26  
IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA

BENJAMIN ROBERT COLE, SR. )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 THE STATE OF OKLAHOMA, )  
 )  
 Respondent. )

**FOR PUBLICATION**

Case No. PCD-2020-529

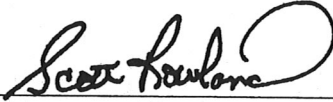
**ORDER VACATING PREVIOUS ORDER AND JUDGMENT**  
**GRANTING POST-CONVICTION RELIEF**  
**AND WITHDRAWING OPINION FROM PUBLICATION**

¶1 Based on the Court's decision in *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, \_\_\_ P.3d \_\_\_, the previous order and judgment granting post-conviction relief in this case are hereby **VACATED** and **SET ASIDE**. The issuance of the mandate in this case was previously stayed by this Court on May 28, 2021, and no mandate has issued. The opinion in *Cole v. State*, 2021 OK CR 10 is **WITHDRAWN**. The Court will issue a separate order addressing Petitioner's claims for post-conviction relief at a later time.

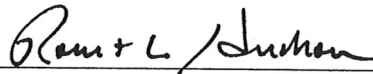
¶2 IT IS SO ORDERED.

¶3 WITNESS OUR HANDS AND THE SEAL OF THIS COURT

this 31 day of August, 2021.



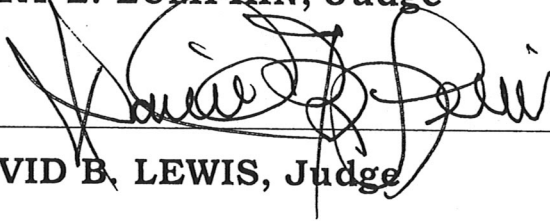
SCOTT ROWLAND, Presiding Judge



ROBERT L. HUDSON, Vice Presiding Judge

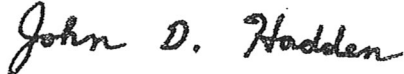


GARY L. LUMPKIN, Judge



DAVID B. LEWIS, Judge

ATTEST:



Clerk