

**IN THE MUNICIPAL COURT OF APPEALS
OF THE CITY OF EL PASO, TEXAS**

CAROL ADCOCK

Appellant,

v.

STATE OF TEXAS

Appellee.

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**No. 14-MCA-3748
Ticket No. 44012387**

OPINION

Appellant is the wife of Lionel Adcock whose case has been decided this date in Lionel Adcock v. State of Texas, 14-MCA-3749, Ticket No. 44012386.

As this Court indicated in the case just referenced, Carol Adcock's case was evidently left pending as reflected by a notation on the Court's Docket Sheet but no Order of Deferral was entered in her case since none is indicated in the Clerk's Record before this Court. There is also a Notice to Show cause which has two (2) notations of a finding of guilt and a fine of \$2,000.00, which presumably includes Appellant in this case. That conclusion is at best speculative, and is not clear from the documentation that this Court has reviewed, if one of those fines is applicable to Appellant. In fact, in the Clerk's Record submitted to this Court in regard to Carol Adcock, the only indication that she had been found guilty was a copy of the Notice to Show Cause sent to her husband, Lionel Adcock. This Court requested the Clerk to supplement the record relating to Appellant in this case. Upon receipt of that supplemental record, a Notice to Show Cause sent to Carol Adcock was submitted, but there is no indication whether the case remained pending or if any fine had been assessed against her.

There is a reference to her only in the Order of Deferral entered in her husband's case indicating that her case was left pending presumably conditioned on her husband's compliance with his Deferred Disposition Order. Nonetheless, the Court evidently moved to adjudicate her

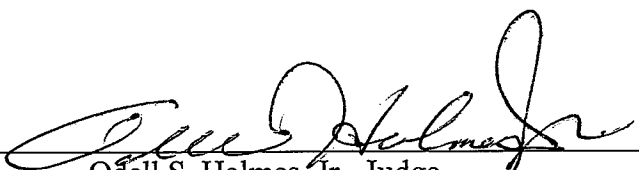
guilt for failing to comply with conditions of a non-existent Order of Deferral as to her. Additionally, the Docket Sheet does not reflect a plea of guilty or any that any plea was entered, but the Judgment reflects a plea of guilty was entered, but the case was left pending depending on the outcome of her husband's case. That judgment also indicates a fine of \$500.00 was assessed. However, the notation on her husband's Notice to Show Cause, which evidently is the Court's method of adjudicating guilt and finding a person has failed to show compliance with the Deferral Order, reflects a fine of \$2,000.00 was assessed by separate entries dated 5/01/2014. Those notations do not identify the person against whom or the case number in which those fines were assessed. In Appellant's case, whether her fine was \$500.00 or \$2,000.00 is undeterminable.

Of more important significance, there is nothing in the Clerk's Record in regard to Appellant in this case having ever been put on Deferred Disposition for this offense, since there is no order to that effect in the file before this Court nor any conditions imposed upon her to comply with that order before an adjudication of guilt could have been entered.

Although the judgment furnished to this Court as part of the Clerk's Record indicates a notation "Defendant pending - outcome of 44012386" (her husband's case), this Court finds that such notation is not the equivalent of entering an Order of Deferral determining the conditions which Appellant would have to comply with in order to avoid an adjudication of guilt. Adjudicating Appellant guilty without having placed her on deferred disposition and imposing conditions for her to meet is legally unjustified.

The Court's disposition of this matter by the Trial Court may have been expeditious and creative, but it finds no authority in the law and therefore, its judgment is reversed and rendered in Appellant's favor.

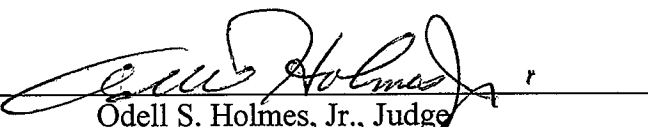
SIGNED this 8th day of January, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals

JUDGEMENT

This case came on to be heard on the Transcript of the Record of the Court below, the same being considered, it is ORDERED, ADJUDGED and DECREED by the Court that the case is reversed and rendered in favor of Appellant.

SIGNED this 8th day of January, 2015.


Odell S. Holmes, Jr., Judge
El Paso Municipal Court of Appeals