

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

ELIZABETH GALLARDO,)	
)	
Appellant,)	
vs.)	No. 95-MCA-2322
)	
STATE OF TEXAS,)	
)	
Appellee.)	

OPINION

Appellant appeals her conviction in Municipal Court on a complaint alleging disorderly conduct.

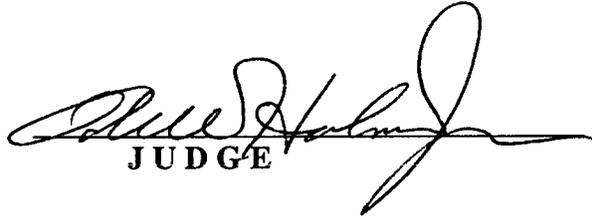
Appellant was found guilty of the offense, but by order of the Court was placed on deferred adjudication. The Court's Order, however, provided at the conclusion of the deferral period that the Defendant's fine would be reduced to \$100.00.

Pursuant to Article 45.54 Tex. Code Crim. Pro., the Judge is not authorized to assess a fine unless he proceeds with an adjudication of guilt. The above Article clearly provides that if the Defendant presents satisfactory evidence of compliance with the requirements imposed, the complaint must be dismissed by the Court. Although the Court can assess a special expense fee if the complaint is dismissed, he cannot impose a fine of any kind if the terms of his Order have been met by the Defendant.

The Trial Judge does have the authority to impose a fine at the time that the Order of Deferred Adjudication is entered, but such fine cannot be imposed unless there is a subsequent adjudication of guilt.

Having found that the Court was unauthorized to impose a fine if the conditions of deferral were met, the Judgment of the Trial Court is hereby reversed and remanded to the Trial Court for resentencing in accordance with this Opinion. *Dukatt v. State*, 93-MCA-2242 (Mun.Ct.App.)

SIGNED this 26 day of May, 1995.


JUDGE

JUDGMENT

The Judgment of the Trial Court is hereby reversed and the case is remanded for resentencing.

SIGNED this 26 day of May, 1995.


JUDGE