

**Affirmed as Reformed and Opinion filed August 14, 2012.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-12-00075-CR**

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**TERRY DWAYNE BATTLE A/K/A TERRY DWYANE BATTLE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court  
Jefferson County, Texas  
Trial Court Cause No. 11-12287**

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**MEMORANDUM OPINION**

Appellant entered a guilty plea to burglary of a habitation. In accordance with the terms of a plea bargain agreement with the State, the trial court deferred adjudication of guilt, placed appellant under community supervision for ten years, and assessed a fine of \$1,000. Subsequently, the State moved to adjudicate guilt. Appellant entered a plea of “true” to one allegation. The trial court found the allegation true, adjudicated guilt, and

sentenced appellant to confinement for twelve years in the Institutional Division of the Texas Department of Criminal Justice.

In three issues, appellant claims the trial court erred in assessing a \$1,000 fine against appellant in the judgment adjudicating guilt because there was no oral pronouncement of the fine. The State concedes the fine was included in the administrative-fee calculation and that no fine was orally pronounced. Because the oral pronouncement controls, the fine must be deleted from the judgment. *See Taylor v. State*, 131 S.W.3d 497, 502 (Tex. Crim. App. 2004).

Appellant also complains that court costs have been assessed twice. The record reflects court costs of \$619 were included in the calculation of the administrative fees for a total of \$2349. The judgment assesses administrative fees for the amount of \$2349 as well as courts costs for the amount of \$619. Accordingly, the record reflects the court costs of \$619 were erroneously assessed twice.

We therefore sustain appellant's issues and reform the judgment of the trial court to reflect administrative fees are assessed in the amount of \$730.

As reformed, the judgment of the trial court is affirmed.

PER CURIAM

Panel consists of Chief Justice Hedges, and Justice Seymore and Brown.

Do not publish - TEX. R. APP. P. 47.2(b).