

**Affirmed as Modified and Memorandum Opinion filed October 18, 2016.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-15-01075-CR**

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**MICHAEL CRUZ MIRANDA, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 184th District Court  
Harris County, Texas  
Trial Court Cause No. 1463818**

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**M E M O R A N D U M    O P I N I O N**

Appellant entered a guilty plea to assault of a family member. The trial court deferred adjudication of guilt, placed appellant under community supervision for five years, and assessed a fine of \$500. Subsequently, the State moved to adjudicate guilt. The trial court found all allegations true, adjudicated guilt, and sentenced appellant to confinement for six years in the Institutional Division of the Texas Department of Criminal Justice. We modify the trial court's judgment to

delete the assessed fine. As modified, we affirm appellant's conviction.

Appellant's appointed counsel filed a brief in which she concludes the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807, 811–13 (Tex. Crim. App. 1978).

A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and file a pro se response. *See Stafford v. State*, 813 S.W.2d 503, 512 (Tex. Crim. App. 1991). As of this date, more than 60 days have passed and no pro se response has been filed.

We have carefully reviewed the record and counsel's brief and agree the appeal is wholly frivolous and without merit. Further, we find no reversible error in the record. We are not to address the merits of each claim raised in an *Anders* brief or a pro se response when we have determined there are no arguable grounds for review. *See Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005).

In presenting her evaluation of the record, counsel noted that the judgment contains a clerical error. We agree. The judgment adjudicating appellant's guilt includes a \$500 fine that was not pronounced at the time the trial court sentenced appellant. When an accused receives deferred adjudication, no sentence is imposed. *Taylor v. State*, 131 S.W.3d 497, 502 (Tex. Crim. App. 2004). When guilt is adjudicated, the order adjudicating guilt sets aside the order deferring adjudication, including the previously imposed fine. *Id.* Therefore, because the oral pronouncement controls, the fine, which was not assessed at the conclusion of the adjudication hearing, must be deleted from the judgment. *See id.*

Accordingly, we modify the judgment to delete the assessment of the \$500

fine. As modified, we affirm the trial court's judgment.

PER CURIAM

Panel consists of Justices Busby, Donovan, and Brown.  
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