

Dismissed and Opinion filed August 24, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00388-CR

THE STATE OF TEXAS, Appellant

V.

ISAIAH JONES, SURETY (ANA BELL GONZALEZ), Appellee

On Appeal from the County Court at Law No. 2
Brazos County, Texas
Trial Court Cause No. 2857-94

OPINION

This is an appeal from a summary judgment in favor of the defendant and surety on a bond forfeiture signed March 16, 2000.

On August 15, 2000, the State filed a motion to dismiss the appeal. *See* TEX. R. APP. P. 42.1. The State asserts that the Judgment Nisi of forfeiture purports to forfeit a bail bond on which liability had previously been discharged. The State concedes that Ana Bell Gonzalez, the defendant/principal, and Isaiah Jones, the surety, had previously been discharged from liability on the bond by Gonzalez's appearance and sentence of probation. Her later failure to appear for the hearing on the State's motion to adjudicate did not authorize the trial court to

enter the Judgment Nisi forfeiting the previously discharged bond. The State concedes that there is no forfeiture on which the State may proceed. The State's motion is granted.

Accordingly, the appeal is ordered dismissed.

PER CURIAM

Judgment rendered and Opinion filed August 24, 2000.

Panel consists of Chief Justice Murphy, Justices Hudson and Wittig

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