



and raises as his sole proposition of error that the fine assessed for Count 3 exceeded the maximum fine allowed for the charged offense, and that the VCA assessed by the court for Count 3 was not authorized by statute.

In its response filed to Nunamaker's appeal, the State confesses error, conceding that the maximum fine allowed for Nunamaker's speeding offense is \$20. Because the charged offense is a traffic violation, the State also concedes the VCA is not applicable to his misdemeanor traffic offense. *See*, 47 O.S.Supp.2015, §§11-801(B), (G) and 21 O.S.2011, § 142.18(B).

Nunamaker's fine for Count 3 is **MODIFIED** to \$20.00. The VCA for Count 3 is **VACATED**.

### **DECISION**

Appellant's fine for Count 3 in Lincoln County District Court Case No. CF-2016-122A is **MODIFIED** to \$20.00 and the Victim Compensation Assessment for Count 3 is **VACATED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF LINCOLN COUNTY  
THE HONORABLE CYNTHIA FERRELL ASHWOOD,  
DISTRICT JUDGE**

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**OPINION BY: KUEHN, V.P.J.:**

LEWIS, P.J.: CONCUR  
LUMPKIN, J.: CONCUR  
HUDSON, J.: CONCUR  
ROWLAND, J.: CONCUR

RA/F

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