



# **IN THE COURT OF CRIMINAL APPEALS OF TEXAS**

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**NO. PD-0014-16**

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**JUSTIN DAVID WADDELL, Appellant**

**v.**

**THE STATE OF TEXAS**

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**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW  
FROM THE SECOND COURT OF APPEALS  
TARRANT COUNTY**

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*Per curiam.*

## **OPINION**

Appellant was convicted of driving while intoxicated and placed on community supervision for 10 years. On appeal, he argued that two court costs, pursuant to Tex. Code Crim. Proc. Arts. 102.020(a)(3) and 102.0185(a), were facially unconstitutional. The Court of Appeals held that Appellant waived these claims by not presenting them to the trial court.

*Waddell v. State*, No. 02-14-00372-CR, 2015 Tex. App. LEXIS 12329 (Tex. App.—Fort Worth December 3, 2015) (not designated for publication).

Appellant has filed a petition for discretionary review of this decision. We recently handed down our opinion in *London v. State*, No. PD-0480-15, 2016 Tex. Crim. App. LEXIS 82 (Tex. Crim. App. May 18, 2016), in which we held that a constitutional challenge to a court costs statute can be raised for the first time on appeal if the defendant did not have an opportunity to raise the claim previously.

The Court of Appeals in the instant case did not have the benefit of our opinion in *London*. Accordingly, we grant Appellant's petition for discretionary review, vacate the judgment of the Court of Appeals, and remand this case to the Court of Appeals in light of our opinion in *London*.

Delivered: June 29, 2016  
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