



## IN THE COURT OF CRIMINAL APPEALS OF TEXAS

---

---

NO. WR-80,188-05

---

---

**EX PARTE KEVERY RAYNARD WILSON, Applicant**

---

---

**ON APPLICATION FOR A WRIT OF HABEAS CORPUS  
CAUSE NO. 114-0164-13-B IN THE 114TH DISTRICT COURT  
FROM SMITH COUNTY**

---

---

*Per curiam.*

### OPINION

Pursuant to the provisions of Article 11.07 of the Texas Code of Criminal Procedure, the clerk of the trial court transmitted to this Court this application for a writ of habeas corpus. *Ex parte Young*, 418 S.W.2d 824, 826 (Tex. Crim. App. 1967). Applicant was convicted of evading arrest or detention with a vehicle and sentenced to forty years' imprisonment as a habitual felon.

Applicant contends, *inter alia*, that his appellate counsel rendered ineffective assistance because counsel failed to challenge the imposition of a \$5000 fine. The trial court finds, "The \$5,000 fine imposed in Cause Number 114-0164-13 was not authorized by section 12.42(d) of the Texas Penal Code and should be deleted from the judgment. ... [The trial court] recommends the

Court of Criminal Appeals grant relief and vacate the portion of the Cause Number 114-0164-13 judgment that assesses a fine.” The finding and recommendation are supported by the habeas record forwarded to this Court. We hold that the \$5000 fine imposed in cause no. 114-0164-13, *The State of Texas v. Kevery Raynard Wilson*, from the 114th District Court of Smith County is vacated.

A review of Applicant’s remaining claims shows that they lack merit. These claims are denied, and the forty-year sentence imposed by the trial court remains unchanged.

Copies of this opinion shall be sent to the Texas Department of Criminal Justice-Correctional Institutions Division and Pardons and Paroles Division.

Delivered: June 29, 2016  
Do not publish