



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0170-16

ORLANDO SALINAS, Appellant

v.

THE STATE OF TEXAS

**ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE FOURTEENTH COURT OF APPEALS
HARRIS COUNTY**

HERVEY, J., filed a concurring opinion.

CONCURRING OPINION

I agree with the majority's disposition of this case and join its opinion, but I write separately to address two issues.

First, although the majority correctly addresses only the \$133 consolidated court-cost fee because that is the only one at issue in this case, there are other consolidated court costs that are also affected by this Court's opinion. In fact, a consolidated court cost is assessed against anyone convicted of any criminal offense except pedestrian or

parking-of-a-motor-vehicle offenses. TEX. LOC. GOV'T CODE § 133.102(a). The following table should elucidate the changes:

Consolidated Fees on Conviction		
	Before <i>Salinas</i>	Post- <i>Salinas</i>
Felony	\$133.00	\$119.93
Class A & B misdemeanors	\$83.00	\$74.84
Nonjailable offenses, including a criminal violation of a municipal ordinance, other than a pedestrian or parking-of-a-motor-vehicle offense	\$40.00	\$36.07

Id.

Second, there are 254 counties in the State of Texas, and many of those counties have more than one clerk:¹ district court clerks, county court clerks, justice court clerks, and municipal court clerks . Those clerks, in turn, often have their own staff carrying out their daily duties. Our holding today affects all of them. And, although defense attorneys, county attorneys, and district attorneys are familiar with this Court's opinions, I am not so sure that the hard-working clerks of this State have the time to read every opinion handed down by this Court. So to ensure clerks begin assessing the correct costs as soon as possible and that people pay only what they are required to, I would order the clerk of this

¹In rural counties with a population less than 8,000, the office of district clerk is combined with the county clerk unless the voters authorize separate offices. TEX. GOV'T CODE § 51.501.

Court to send copies of this decision to the County & District Clerk Association of Texas, the Justices of the Peace and Constables Association, and the Texas Municipal Courts Association to be disseminated amongst their membership. We may not be able to notify every clerk in the State about this decision, but we should take any reasonable measures we can to do so.

Filed: March 8, 2017

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