

Opinion issued September 27, 2012



In The
Court of Appeals
For The
First District of Texas

NO. 01-12-00532-CR

IN RE JOSEPH JAY MEEKS, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

We withdraw our September 14, 2012 opinion issued in this case, and we substitute this opinion in its place.

Relator, Joseph Jay Meeks, has filed a petition for writ of mandamus, challenging the portion of the trial court's judgment of March 29, 2012 assessing certain costs and fees against him.¹

Meeks was entitled to bring his complaint by direct appeal. *See Bates v. State*, No. 07-11-00178-CR, 2012 WL 2072836 (Tex. App.—Amarillo Jun. 8, 2012, no pet.) (modifying trial court's judgment to delete order for indigent defendant to pay attorney's fees). Meeks did not challenge this portion of the trial court's judgment by direct appeal, and he filed this mandamus action well beyond any date for timely filing a notice of appeal. Because Meeks had an adequate remedy by appeal to challenge the portion of the judgment assessing part of the court costs and fees against him, we **deny** the petition for writ of mandamus.

PER CURIAM

Panel consists of Justices Jennings, Higley, and Sharp.

Do not publish. TEX. R. APP. P. 47.2(b).

¹ The underlying case is *State of Texas v. Joseph Jay Meeks*, No. 12CR0859, in the 122nd District Court of Galveston County, Texas, the Honorable John Ellisor presiding.