



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-17-00088-CR

DEQENNRICK HILL

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 396TH DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 1320070D

MEMORANDUM OPINION¹

Appellant Deqenrick Hill was indicted for assault causing bodily injury to a family member (with a previous conviction for family violence). In 2014, Hill entered an open plea of guilt, and the trial court placed Hill on deferred-adjudication community supervision for four years. In 2017, the State filed a petition to proceed to adjudication, alleging that Hill had violated a condition of

¹See Tex. R. App. P. 47.4.

his probation by failing to fully participate in the Supervision With Immediate Enforcement (SWIFT) program. Hill pleaded true to the violation, and the trial court adjudicated Hill guilty of the original assault offense and sentenced him to five years' imprisonment. The trial court's judgment ordered Hill to pay reparations in the amount of \$3,114.² The trial court's "Order To Withdraw Funds" orders that \$3,428—which includes the \$3,114 in reparation fees and \$314 in court costs—be withdrawn from Hill's inmate trust account.

On appeal, Hill raises two points challenging the assessment of the reparations, arguing that because "nothing in the record justifies or explains [the \$1,509]" and because the record contains contradictory documents showing that he owes either \$1,605 or \$0 in probation fees, the judgment should be modified to delete the reparations. The State concedes that it cannot verify or find any basis in the record to support the \$1,509 "DUE TO CSCD" and that there is no evidence or any finding in the record that Hill failed to pay \$1,605 in probation fees and thus agrees that the amounts should be struck from the judgment, as well as from the "Order To Withdraw Funds." See *Lewis v. State*, 423 S.W.3d 451, 461 (Tex. App.—Fort Worth 2013, pet. ref'd) (striking reparations identified as "Due to CSCD" because record was not clear where amount came from); see also *Strange v. State*, No. 02-14-00055-CR, 2014 WL 3868225, at *1–2 (Tex.

²Based on the "Reparations Balance Sheet" from the Community Supervision and Corrections Department of Tarrant County, which is contained in the clerk's record, the \$3,114 reparations amount consists of \$1,509 "DUE TO CSCD" and probation fees of \$1,605.

App.—Fort Worth Aug. 7, 2014, no pet.) (mem. op., not designated for publication) (striking reparations when the only evidence for probation fees was contradictory). We agree and therefore sustain Hill’s two points.

Having sustained Hill’s two points, we delete \$3,114 from the “Order To Withdraw Funds,” so it reflects that only \$314 should be withdrawn from Hill’s inmate trust account; we delete the line in the judgment that states, “REPARATIONS IN THE AMOUNT OF \$3,114.00”; and we affirm the judgment as modified. See Tex. R. App. P. 43.2(b).

/s/ Sue Walker
SUE WALKER
JUSTICE

PANEL: WALKER, MEIER, and PITTMAN, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: August 31, 2017