

NO. 07-12-0367-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
FEBRUARY 20, 2013

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MICHAEL GUTIERREZ,

Appellant

V.

THE STATE OF TEXAS,

Appellee

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FROM THE 108<sup>TH</sup> DISTRICT COURT OF POTTER COUNTY;  
NO. 54,842-E; HON. DOUGLAS R. WOODBURN, PRESIDING

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***Memorandum Opinion***

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Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Appellant, Michael Gutierrez, appeals the trial court's judgment wherein he was assessed attorney's fees. The State concedes that an assessment of such fees would be improper. We modify the judgment and affirm as modified.

The judgment contains the following provision: "The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated in attached Bill of Cost." Furthermore, the bill of costs includes an amount related to attorney's fees. Given the

issue and the State's concession, we modify the judgment and remove all reference to appellant paying any attorney's fees whether or not mentioned in the Bill of Costs.

Accordingly, the judgment is affirmed, as modified.

Per Curiam

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