



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. PD-385-13

JASMINE MONIQUE STELLY, Appellant

v.

THE STATE OF TEXAS

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

Per curiam.

OPINION

Appellant was convicted of assault on a public servant and sentenced to 5 years in prison. On appeal, she argued that the evidence was insufficient to support the \$249 in court costs assessed against her in the judgment. The Court of Appeals agreed, relying on its own opinion in *Johnson v. State*, 389 S.W.3d 513 (Tex. App. – Houston [14th Dist.] 2012). *Stelly*

v. State, No. 14-12-00628-CR, 2013 Tex. App. LEXIS 1689 (Tex. App. – Houston [14th Dist.] February 21, 2013) (not designated for publication).

The State has filed a petition for discretionary review of this decision. We recently handed down our opinion in *Johnson v. State*, No. PD-0193-13, 2014 Tex. Crim. App. LEXIS 240 (Tex. Crim. App. February 26, 2014), in which we set forth a roadmap for resolving questions regarding court costs. *See also Cardenas v. State*, No. PD-0733-13, 2014 Tex. Crim. App. LEXIS 236 (Tex. Crim. App. February 26, 2014).

The Court of Appeals in the instant case did not have the benefit of our opinion in *Johnson*. Accordingly, we grant the State’s petition for discretionary review, vacate the judgment of the Court of Appeals, and remand this case to the Court of Appeals in light of our opinion in *Johnson*. No motion for rehearing will be entertained.

DATE DELIVERED: April 16, 2014

DO NOT PUBLISH