



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

NO. PD-717-13

EMERSON HANDY, 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 burglary of a habitation and sentenced to 45 years in prison. On appeal, he argued, among other things, that the evidence was insufficient to support the \$289 in court costs assessed against him in the judgment. The Court of Appeals agreed, relying on its opinion in *Johnson v. State*, 389 S.W.3d 513 (Tex. App. – Houston

[14th Dist.] 2012). *Handy v. State*, 401 S.W.3d 809 (Tex. App. – Houston [14th Dist.] 2013).

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*. We also this day refuse Appellant’s petition for discretionary review in this case. No motion for rehearing will be entertained.

DATE DELIVERED: April 16, 2014

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