



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

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**NO. PD-1078-13**

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**MANUEL SANTOS MARTINEZ, Appellant**

**v.**

**THE STATE OF TEXAS**

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

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*Per curiam.*

**OPINION**

Appellant was initially placed on deferred adjudication probation. When his guilt was adjudicated, he was convicted of delivery of a controlled substance and sentenced to 35 years in prison. On appeal, he argued, among other things, that the evidence was insufficient to support the \$350 in court costs assessed against him in the judgment. The Court of Appeals

agreed and modified the judgment to reflect \$219 in court costs. *Martinez v. State*, No. 01-12-00361-CR, 2013 Tex. App. LEXIS 9343 (Tex. App. – Houston [1st Dist.] July 30, 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); *Perez v. State*, No. PD-0498-13, 2014 Tex. Crim. App. LEXIS 269 (Tex. Crim. App. March 12, 2014).

The Court of Appeals in the instant case did not have the benefit of our opinions in *Johnson* and *Perez*. 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 opinions in *Johnson* and *Perez*. We also this day refuse Appellant's petition for discretionary review in this case. No motion for rehearing will be entertained.

Delivered: April 16, 2014  
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