



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

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**NO. PD-1346-13**

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**BENNETT KEITH O'BANNON, Appellant**

**v.**

**THE STATE OF TEXAS**

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

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*Per curiam.*

**OPINION**

Appellant was convicted of indecency with a child and sentenced to 32 years in prison. On appeal, he argued, among other things, that the evidence was insufficient to support various court costs assessed against him 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

[14<sup>th</sup> Dist.] 2012). *O'Bannon v. State*, No. 14-12-00653-CR, 2013 Tex. App. LEXIS 11498 (Tex. App. – Houston [14<sup>th</sup> Dist.] September 10, 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DO NOT PUBLISH