



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

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**NO. PD-1753-13**

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**DUSTIN ZACHARY COLE, 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 credit card abuse and sentenced to 5 years in prison. On appeal, he argued that the evidence was insufficient to support the \$374 in 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). *Cole*

*v. State*, No. 14-12-01099-CR, 2013 Tex. App. LEXIS 14017 (Tex. App. – Houston [14<sup>th</sup> Dist.] November 14, 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DO NOT PUBLISH