

AFFIRMED; and Opinion Filed November 21, 2013.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

**No. 05-12-00888-CR
No. 05-12-00889-CR**

**DON ALFONSO WILLIAMS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 7
Dallas County, Texas
Trial Court Cause Nos. F10-16710-Y and F10-16711-Y**

MEMORANDUM OPINION

**Before Justices O'Neill, Lang-Miers, and Evans
Opinion by Justice Lang-Miers**

Appellant Don Alfonso Williams pleaded guilty to two charges of aggravated robbery. The trial court deferred adjudication of appellant's guilt, placed him on community supervision for seven years, ordered him to pay a \$3,000 fine in one of the cases, and assessed \$244 in court costs in each case. The State subsequently moved to adjudicate appellant's guilt, and appellant pleaded true to the allegations in the motion. The trial court adjudicated appellant guilty and sentenced him to fifty years in prison in each case to run concurrently with a sentence for murder. In two issues on appeal, appellant argues that the evidence is insufficient to support the \$244 in court costs in each case. We issue this memorandum opinion pursuant to Texas Rule of Appellate Procedure 47.4 because the issues in the case are settled. We affirm the trial court's judgments.

Appellant argues that the evidence is insufficient to support the judgment that he pay \$244 in court costs in each case because the clerk's records do not contain proper bills of costs. And he argues that the judgments should be reformed to delete the court costs. We disagree.

The clerk's records show that at the time appellant was placed on community supervision, the order deferring adjudication in each case included an assessment of \$244 in court costs. But appellant did not complain about the assessment of court costs at that time. *See Manuel v. State*, 994 S.W.2d 658, 661–62 (Tex. Crim. App. 1999) (“[A] defendant placed on deferred adjudication community supervision may raise issues relating to the original plea proceeding, such as evidentiary sufficiency, only in appeals taken when deferred adjudication community supervision is first imposed.”). Because appellant did not appeal the sufficiency of the evidence to support the court costs when deferred adjudication community supervision was first imposed, his complaints now are untimely. *Wiley v. State*, 410 S.W.3d 313, 320–21 (Tex. Crim. App. 2013). But even if appellant's complaints were timely, they are moot because, since the filing of these appeals, this Court requested and received a supplemental clerk's record in each case that contains a certified bill of costs. *See Franklin v. State*, 402 S.W.3d 894, 894 (Tex. App.—Dallas 2013, no pet.). We resolve appellant's two issues against him.

After this Court received the supplemental clerk's records, appellant filed two objections to the bills of costs contained in those records. He objected that the bills of cost (1) were not proper because they are “unsigned, unsworn computer printout[s]” and (2) were not filed in the trial court or brought to the trial court's attention before costs were entered in the judgments. We previously considered these exact same objections in *Coronel v. State*, No. 05-12-00493-CR, 2013 WL 3874446, at *4–5 (Tex. App.—Dallas July 29, 2013, pet. filed), and rejected them, and we do so here as well.

We affirm the trial court's judgments.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)

120888F.U05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DON ALFONSO WILLIAMS, Appellant

No. 05-12-00888-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 7, Dallas County, Texas

Trial Court Cause No. F10-16710-Y.

Opinion delivered by Justice Lang-Miers,
Justices O'Neill and Evans participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 21st day of November, 2013.

/Elizabeth Lang-Miers/

ELIZABETH LANG-MIERS

JUSTICE



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DON ALFONSO WILLIAMS, Appellant

No. 05-12-00889-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 7, Dallas County, Texas

Trial Court Cause No. F10-16711-Y.

Opinion delivered by Justice Lang-Miers,
Justices O'Neill and Evans participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 21st day of November, 2013.

/Elizabeth Lang-Miers/

ELIZABETH LANG-MIERS

JUSTICE