

**Affirmed as Modified; Opinion Filed November 19, 2013.**



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

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**No. 05-12-00999-CR**

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**ISAAH SIMPSON, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 7  
Dallas County, Texas  
Trial Court Cause No. F09-53864-Y**

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**MEMORANDUM OPINION**

Before Justices Moseley, Lang, and Brown  
Opinion by Justice Moseley

Isaiah Simpson pleaded guilty to aggravated robbery with a deadly weapon, and a jury sentenced him to 35 years' confinement. In two issues, Simpson argues there is insufficient evidence to support the trial court's order that Simpson pay court costs, and the trial court's judgment should be modified to properly reflect that Simpson pleaded guilty to the offense. The background and facts of the case are well-known to the parties; thus, we do not recite them here in detail. Because all dispositive issues are settled in law, we issue this memorandum opinion. TEX. R. APP. P. 47.2(a), 47.4. We overrule Simpson's first issue, sustain his second issue and modify the judgment, and, as modified, affirm the trial court's judgment.

In his first issue, Simpson argues the evidence is insufficient to support the trial court's order that he pay \$235 in court costs. Therefore, Simpson argues, the judgment should be reformed to delete the court costs. Because the clerk's records did not contain a bill of costs, we ordered the Dallas County District Clerk to file supplemental records containing the certified bill of costs associated with this case. The clerk did so, filing two supplemental clerk's records. *See* TEX. R. APP. P. 34.5(c)(1) (stating rules of appellate procedure allow supplementation of clerk's record if relevant item has been omitted).

Simpson makes two objections to the supplemental records. He first complains the clerk did not file a "proper bill of costs" because it is an unsworn, unsigned computer printout. While the code of criminal procedure requires a record be kept, it does not specify the form of the record except to state that it must be certified and signed "by the officer who charged the costs or the officer who is entitled to receive payment for the cost." TEX. CODE CRIM. PROC. ANN. art. 103.001, .006; *Coronel v. State*, No. 05-12-00493-CR, 2013 WL 3874446, at \*4 (Tex. App.—Dallas July 29, 2013, pet. filed). The district clerk's supplemental record contains a "Bill of Costs Certification" containing the costs that have accrued to date; the documents are certified and signed by the clerk. Because the documents meet the mandate of the code of criminal procedure, we conclude Simpson's first objection that the bill of costs is not "proper" lacks merit. *See id.* at \*4

Simpson also complains the record does not indicate the bill of costs was filed or brought to the trial court's attention before costs were entered. We previously addressed and overruled this argument in *Coronel*. *See id.* at \*5.

With the supplemental records containing the bill of costs now before us, we conclude Simpson's complaint that the evidence is insufficient to support the imposition of costs lacks

merit. *See id.* at \*4-5; *Franklin v. State*, 402 S.W.3d 894, 894 (Tex. App.—Dallas 2013, no pet.). Accordingly, we overrule Simpson’s first issue.

In his second issue, Simpson argues the trial court’s judgment should be modified to properly reflect his plea of guilty to the charged offense. The State concedes the issue.

This Court has the authority to correct the trial court’s judgment to make the record speak the truth when the Court has the necessary data and information to do so. *See* TEX. R. APP. P. 43.2; *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref’d). We sustain Simpson’s second issue and modify the judgment to reflect that Simpson pleaded guilty to the charged offense.

As modified, we affirm the trial court’s judgment.

/Jim Moseley/  
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JIM MOSELEY  
JUSTICE

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

**JUDGMENT**

ISAAH SIMPSON, Appellant

No. 05-12-00999-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 7, Dallas County, Texas

Trial Court Cause No. F09-53864-Y.

Opinion delivered by Justice Moseley.

Justices Lang and Brown participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** to reflect that Isaiah Simpson pleaded guilty to the charged offense.

As modified, the judgment is **AFFIRMED**.

Judgment entered this 19th day of November, 2013.

/Jim Moseley/

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JIM MOSELEY

JUSTICE