

AFFIRM; Opinion Filed November 12, 2013.



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

No. 05-13-00083-CR

CHRISTOPHER JOHNSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 3
Dallas County, Texas
Trial Court Cause No. F12-57233**

MEMORANDUM OPINION

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

Christopher Johnson was charged by indictment with robbery. *See* TEX. PENAL CODE ANN. § 29.02(a) (West 2011). He entered an open plea of guilty to the offense. The trial court found Johnson guilty and assessed punishment at ten years' imprisonment. In its judgment, the trial court ordered Johnson to pay \$244 in court costs. In his single issue, Johnson challenges the sufficiency of the evidence to support the trial court's assessment of court costs. He requests that we reform the judgment to delete the court costs because the clerk's record does not contain a cost bill. We affirm the trial court's judgment.

Because the clerk's record did not contain a bill of costs, we ordered the Dallas County District Clerk to file a supplemental record containing a detailed itemization of the costs assessed in this case, and the clerk did so. *See* TEX. R. APP. P.34.5(c)(1) (rules of appellate procedure

allow supplementation of clerk's record if relevant item has been omitted). Johnson filed an objection to this Court's consideration of the supplemental clerk's record. He contends that we should not consider the computer printout of court costs the supplemental record contains because the record does not indicate that the printout was brought to the trial court's attention before the costs were entered in the judgment. This Court has previously addressed and overruled this argument. *See Coronel v. State*, No. 05-12-00493-CR, 2013 WL 3874446, at *4–5 (Tex. App.—Dallas July 29, 2013, pet. filed) (there is no requirement that cost bill be presented to trial court at any time before judgment). With the supplemental clerk's record now before us, appellant's complaint that the evidence is insufficient to support the imposition of costs is now moot. *See Franklin v. State*, 402 S.W.3d 894, 895 (Tex. App.—Dallas 2013, no pet.). We overrule appellant's issue.

We affirm the trial court's judgment.

/Ada Brown/

ADA BROWN
JUSTICE

Do Not Publish
TEX. R. APP. P. 47

130083F.U05



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

JUDGMENT

CHRISTOPHER JOHNSON, Appellant

No. 05-13-00083-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 3, Dallas County, Texas

Trial Court Cause No. F12-57233.

Opinion delivered by Justice Brown.

Justices Moseley and Lang participating.

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

Judgment entered this 12th day of November, 2013.

/Ada Brown/

ADA BROWN

JUSTICE