



IN THE
TENTH COURT OF APPEALS

No. 10-14-00101-CR

ADEWALE M. OLAOYE,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the County Court at Law
Walker County, Texas
Trial Court No. 12-1246

MEMORANDUM OPINION

Adewale Olaoye was convicted of the offense of resisting arrest or transport. TEX. PEN. CODE ANN. § 38.03(a) (West 2011). Olaoye's sole issue complains that the evidence was insufficient for the trial court to have assessed attorney's fees in the judgment. The State agrees with Olaoye. The trial court determined that Olaoye was indigent during the proceedings and no evidence was presented of any change in that status. In accordance with the opinion of the Court of Criminal Appeals in *Mayer v. State*, 309 S.W.3d 552, 557 (Tex. Crim. App. 2010), we agree that the evidence was

insufficient and the judgment should be modified to delete this assessment. Olaoye's sole issue is sustained.

Accordingly, we find that the trial court erred by assessing attorney's fees and modify the judgment by deleting the award of attorney's fees. As modified, the judgment of conviction is affirmed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed as modified

Opinion delivered and filed September 25, 2014

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