

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00694-CR

Lasaro Cortez, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 63990, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Lasaro Cortez was placed on deferred adjudication community supervision after he pleaded guilty to possessing more than one gram of cocaine with intent to deliver and true to a previous felony conviction alleged for enhancement. *See* Tex. Health & Safety Code Ann. § 481.112(a), (c) (West 2010). The State later moved to adjudicate, alleging two violations of the conditions of supervision. Following a hearing, the trial court found the allegations to be true, adjudged appellant guilty, and imposed a fourteen-year prison sentence.

In his only issue on appeal, appellant contends that the evidence does not support the court's order that he pay \$565 in attorney's fees. *See* Tex. Code Crim. Proc. Ann. art. 26.05(g) (West Supp. 2010); *Mayer v. State*, 309 S.W.3d 552, 556-57 (Tex. Crim. App. 2010). The State concedes that there is no evidence of a material change in appellant's financial status subsequent to his being found indigent.

The issue is sustained. The judgment of conviction is modified to delete the order that appellant pay \$565 in attorney's fees. As modified, the judgment is affirmed.

J. Woodfin Jones, Chief Justice

Before Chief Justice Jones, Justices Henson and Goodwin

Modified and, as Modified, Affirmed

Filed: August 18, 2011

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