

NO. 12-17-00387-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***GEORGE ROBERT FOSTER,
APPELLANT***

§ ***APPEAL FROM THE 7TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

MEMORANDUM OPINION

George Robert Foster appeals his conviction for unauthorized use of a motor vehicle. Appellant raises one issue challenging the trial court’s imposition of court costs. We affirm.

BACKGROUND

Appellant was charged by indictment with unauthorized use of a motor vehicle and pleaded “not guilty.” The matter proceeded to a jury trial. The jury found Appellant “guilty,” found two enhancement paragraphs “true,” and assessed Appellant’s punishment at imprisonment for twenty years. This appeal followed.

IMPOSITION OF COURT COSTS

In Appellant’s sole issue, he argues that the trial court erred by imposing court costs not supported by a bill of costs and ordering the withdrawal of those costs from his inmate trust account.

Standard of Review and Applicable Law

The imposition of court costs upon a criminal defendant is a “nonpunitive recoupment of the costs of judicial resources expended in connection with the trial of the case.” *Johnson v. State* 423 S.W.3d 385, 390 (Tex. Crim. App. 2014). When the imposition of court costs is

challenged on appeal, we review the assessment of costs to determine if there is a basis for the costs, not to determine if sufficient evidence to prove each cost was offered at trial. *Id.*

A bill of costs is not required to sustain statutorily authorized and assessed court costs, but it is the most expedient and, therefore, preferable method. *See id.* at 396. If a bill of costs is omitted, one can be prepared and presented to the appellate court in a supplemental clerk's record. *See id.* at 392.

Analysis

In this case, the judgment of conviction assesses \$319.00 as court costs. After Appellant filed his brief, the record was supplemented with a bill of costs. *See id.* The amount of costs reflected in the bill of costs corresponds with the amount assessed in the judgment. Appellant does not challenge a specific cost or basis for the assessment of a particular cost. Absent such a challenge, the bill of costs of record is sufficient to support the assessed costs in this case. *See id.* at 396. Accordingly, we overrule Appellant's sole issue.

DISPOSITION

Having overruled Appellant's sole issue, we *affirm* the trial court's judgment.

BRIAN HOYLE

Justice

Opinion delivered September 28, 2018.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 28, 2018

NO. 12-17-00387-CR

GEORGE ROBERT FOSTER,

Appellant

V.

THE STATE OF TEXAS,

Appellee

Appeal from the 7th District Court

of Smith County, Texas (Tr.Ct.No. 007-1095-17)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

Brian Hoyle, Justice.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.