

**NO. 12-20-00241-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***RONALD BRENT HUNT,  
APPELLANT***

**§ *APPEAL FROM THE 7TH***

***V.***

**§ *JUDICIAL DISTRICT COURT***

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

**§ *SMITH COUNTY, TEXAS***

---

---

***MEMORANDUM OPINION***

Ronald Brent Hunt appeals his conviction for sexual assault of a child. In one issue, Appellant challenges the trial court’s assessment of the county specialty court fee and overassessment of the courthouse security fee. We modify and affirm as modified.

**BACKGROUND**

Appellant was charged by indictment with sexual assault of a child.<sup>1</sup> Pursuant to a plea bargain agreement with the State, he pleaded “guilty” to the offense, and the trial court deferred a finding of guilt and placed him on community supervision for a term of ten years. Subsequently, the State filed a motion to adjudicate Appellant’s guilt alleging several violations of his community supervision conditions. Appellant pleaded “true” to the allegations. Ultimately, the trial court found the allegations “true,” found Appellant “guilty” of the charge, and assessed his punishment at imprisonment for fourteen years. This appeal followed.

---

<sup>1</sup> A second-degree felony. See TEX. PENAL CODE ANN. § 22.011(a)(2)(A), (f) (West 2020).

### IMPROPER COURT COSTS

In Appellant's sole issue, he argues that the trial court improperly assessed the county specialty court fee and overassessed the courthouse security fee. The State recognizes that the challenged fees stem from the Local Consolidated Fee on Conviction of Felony and concedes they were assessed in error.

The Local Consolidated Fee on Conviction of Felony applies only to defendants who are convicted of offenses committed on or after January 1, 2020. See *Hayes v. State*, No. 12-20-00222-CR, 2021 WL 1418400, at \*2 (Tex. App.—Tyler Apr. 14, 2021, no pet. h.) (mem. op., not designated for publication) (citing TEX. LOC. GOV'T CODE ANN. § 134.101 (West Supp. 2021)). Section 134.101 assesses an additional \$105 fee for a person who is convicted of a felony. See TEX. LOC. GOV'T CODE ANN. § 134.101(a). That fee is to be allocated to the following specific accounts and funds: the clerk of the court account, the county records management and preservation fund, the county jury fund, the courthouse security fund, the county and district court technology fund, and the county specialty court account. See *id.* § 134.101(b).

In the instant case, the commission date for the offense is November 30, 2019. The certified bill of costs includes the following costs listed in Section 134.101: \$25.00 County Specialty Court Account; \$10.00 Courthouse Security Fund. The sum of these costs is \$35.00. However, as Appellant acknowledges, a \$5.00 security fee is mandatory under the version of Article 102.017 that was in effect on the offense date. See Act of Sept. 1, 2017, 85th Leg., ch. 190 (amended 2020) (current version at TEX. CODE CRIM. PROC. ANN. art. 102.017). Therefore, the sum of the improper costs is \$30.00.

Because the offense in this case was committed before January 1, 2020, Appellant is not obligated to pay the "Local Consolidated Fee on Conviction of Felony." See *Hayes*, 2021 WL 1418400, at \*2. Accordingly, we conclude that the judgment should be modified to remove those costs in the amount of \$30.00. See TEX. R. APP. P. 43.2(b); *Asberry v. State*, 813 S.W.2d 526, 529 (Tex. App.—Dallas 1991, pet. ref'd). We sustain Appellant's sole issue.

### DISPOSITION

Having sustained Appellant's sole issue, we *modify* the trial court's judgment and withdrawal order to reflect that the amount of court costs is \$636.50. We *affirm* the judgment as modified.

**BRIAN HOYLE**  
Justice

Opinion delivered October 20, 2021.  
*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

OCTOBER 20, 2021

NO. 12-20-00241-CR

**RONALD BRENT HUNT,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

---

Appeal from the 7th District Court  
of Smith County, Texas (Tr.Ct.No. 007-0103-20)

---

THIS CAUSE came to be heard on the appellate record and the briefs filed herein, and the same being considered, it is the opinion of this court that the judgment and withdrawal order of the court below should be modified and as modified, affirmed.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment and withdrawal order of the court below be **modified** to reflect that the amount of court costs is \$636.50; in all other respects the judgment of the trial court is **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.*