

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT  
AMARILLO

Jennifer R. Fulton v. the State of Texas

No. 07-26-00035-CR · No. No. 07-26-00035-CR · Decided May 11, 2026

SUMMARY

The Texas Court of Appeals for the Seventh District reviewed the revocation of Jennifer R. Fulton's deferred-adjudication community supervision and her ten-year sentence for assault causing bodily injury to a family or household member with a previous conviction. The court held that the judgment and related financial orders improperly included attorney's fees, a fine, reparations, and a premature time-payment fee. The court modified the judgment, Bill of Costs, and inmate-account withdrawal order, leaving \$300.00 in costs to be withdrawn, and affirmed as modified.

CASE DETAILS

|                       |                                                                                                                                                                                                                             |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Seventh District of Texas at Amarillo                                                                                                                                                              |
| WRITING FOR THE COURT | Alex Yarbrough; Doss; Yarbrough; Pratt                                                                                                                                                                                      |
| JURISDICTION          | Court of Appeals for the Seventh District of Texas at Amarillo                                                                                                                                                              |
| DECIDED               | May 11, 2026                                                                                                                                                                                                                |
| DOCKET                | No. 07-26-00035-CR                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                    |
| PROCEDURAL POSTURE    | Appeal from an order revoking community supervision, adjudicating appellant guilty of assault with bodily injury on a family or household member with a previous conviction, and sentencing her to ten years' imprisonment. |
| PRECEDENTIAL VALUE    | Unpublished memorandum opinion; not designated for publication.                                                                                                                                                             |
| PARTIES               | Jennifer R. Fulton v. The State of Texas                                                                                                                                                                                    |

TOPICS

- criminal procedure
- appellate procedure
- remedies
- sentencing
- restitution criminal

PRACTICE AREAS

- criminal procedure
- appellate procedure
- sentencing
- community supervision
- criminal financial assessments

## QUESTIONS PRESENTED

1. Whether the trial court improperly assessed \$787.50 in appointed-attorney fees without evidence that Fulton had the financial resources to pay them.
2. Whether the written judgment could include a \$500 fine that was not orally pronounced when Fulton was adjudicated and sentenced.
3. Whether the record supported the \$443 reparations assessment.
4. Whether the order to withdraw \$2,045.50 from Fulton's inmate trust account lacked a factual basis and procedural opportunity to object.
5. Whether the \$15 time-payment fee should be stricken as premature while the appeal was pending.

## HOLDINGS

1. A trial court may not order reimbursement of court-appointed attorney's fees without record evidence demonstrating that the defendant has financial resources to offset the cost of legal services. Because the record showed Fulton remained indigent and contained no evidence of changed financial circumstances, the attorney's-fee assessment had to be deleted.
2. When the oral pronouncement of sentence conflicts with the written judgment, the oral pronouncement controls. A fine not orally pronounced when guilt is adjudicated and sentence is imposed may not remain in the written judgment.
3. A reparations assessment in a judgment adjudicating guilt must be supported by evidence in the record. Because the record did not establish what the \$443 assessment represented or support its amount, the assessment had to be deleted.
4. A time-payment fee assessed before appellate mandate issues is premature and must be stricken in its entirety, without prejudice to refiling if the fee later becomes ripe.
5. The withdrawal order had to be reduced by the amounts improperly assessed in attorney's fees, the fine, reparations, and the premature time-payment fee, leaving \$300.00 consisting of uncontested court costs and a reimbursement fee.

## KEY QUOTATIONS

*“When there is a conflict between the oral pronouncement and the written judgment, the oral pronouncement controls.” (at 4)*

*“A time-payment fee assessed before appellate mandate issues is premature and should be stricken in its entirety, without prejudice to refiling should such fee become ripe.” (at 5)*

## FACTUAL BACKGROUND

Fulton pleaded guilty in June 2025 to assault causing bodily injury to a family member with a previous conviction and received deferred-adjudication community supervision. The State later alleged that she violated supervision by consuming alcohol, and Fulton admitted the violation at the adjudication hearing. The trial court adjudicated her guilty and sentenced her to ten years' imprisonment, while also including various fees, a fine, reparations, and withdrawal amounts in the judgment and related financial documents.

## PROCEDURAL HISTORY

Fulton pleaded guilty and was placed on deferred-adjudication community supervision. After the State alleged that she violated a condition by consuming alcohol, the trial court held a hearing, found the allegation true, adjudicated her guilty, and imposed ten years' imprisonment. The court also included attorney's fees, a fine, reparations, a time-payment fee, and amounts in an order to withdraw funds from her inmate account. On appeal, the State agreed that the judgment, Bill of Costs, and withdrawal order should be modified.

## DISPOSITION

affirmed

## REMAND INSTRUCTIONS

The district clerk must prepare and file an Amended Judgment and Bill of Costs reflecting the modifications and provide copies to the Court, Fulton, and the Institutional Division of the Texas Department of Criminal Justice. The reformation also extends to the order to withdraw funds from Fulton's inmate account.

## CASES CITED

- Mayer v. State, 309 S.W.3d 552, 556 (Tex. Crim. App. 2010)
- King v. State, No. 07-24-00414-CR, 2025 Tex. App. LEXIS 5849, at \*4–5 (Tex. App.—Amarillo Aug. 6, 2025, no pet.) (mem. op., not designated for publication)
- Taylor v. State, 131 S.W.3d 497, 502 (Tex. Crim. App. 2004)
- Taylor v. State, No. 02-15-00425-CR, 2016 Tex. App. LEXIS 5926, at \*10–15 (Tex. App.—Fort Worth June 2, 2016, pet. ref'd) (mem. op., not designated for publication)
- Hongpathoum v. State, 578 S.W.3d 213, 216 (Tex. App.—Fort Worth 2019, no pet.)
- Dulin v. State, 620 S.W.3d 129, 133 (Tex. Crim. App. 2021)

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