

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS

Kassie Stephenson v. State

Stephenson · No. No. 06-13-00180-CR · Decided June 4, 2014

SUMMARY

The Texas Sixth Court of Appeals modified the trial court's judgment to assess \$977.50 in attorney's fees and directed reimbursement or credit for any amount paid above that sum. The judgment was otherwise affirmed, and appellate costs were waived based on the appellant's inability to pay.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas
WRITING FOR THE COURT	Justice Moseley; Chief Justice Morris; Justice Carter
JURISDICTION	Texas
DECIDED	June 4, 2014
DOCKET	No. 06-13-00180-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the judgment of the 124th District Court of Gregg County, Texas.
PRECEDENTIAL VALUE	Published
PARTIES	Kassie Stephenson v. The State of Texas

TOPICS

[remedies](#) [appellate procedure](#) [criminal procedure](#)

PRACTICE AREAS

[criminal procedure](#) [appellate procedure](#) [attorney fees](#)

QUESTIONS PRESENTED

1. Whether the trial court's judgment required modification of the attorney-fee assessment.
2. Whether appellant should be required to pay costs of appeal despite her inability to pay.

HOLDINGS

1. The trial court's judgment was modified to assess \$977.50 in attorney's fees, with reimbursement or credit required for any amount appellant had already paid over that sum.
2. Appellant was not required to pay costs of appeal because she adequately demonstrated her inability to pay.

KEY QUOTATIONS

“Therefore, we modify the trial court’s judgment to reflect an assessment of \$977.50 for attorney’s fees. We further direct the trial court to ensure that appellant is reimbursed or otherwise credited for any attorney’s fee payment already made over and above \$977.50. As modified, the judgment of the trial court is affirmed.”

FACTUAL BACKGROUND

The trial court's judgment included an assessment of attorney's fees. On appeal, the court determined that the judgment contained partial error concerning the amount of attorney's fees and recognized appellant's inability to pay appellate costs.

PROCEDURAL HISTORY

The case was appealed from the 124th District Court of Gregg County, Texas. The appellate court found partial error in the trial court's judgment, modified the attorney-fee assessment, affirmed the judgment as modified, and waived appellate costs based on appellant's inability to pay.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The trial court must ensure that appellant is reimbursed or otherwise credited for any attorney-fee payment already made over \$977.50.

OPINION

PER CURIAM.

Court of Appeals Sixth Appellate District of Texas JUDGMENT Kassie Stephenson, Appellant Appeal from the 124th District Court of Gregg County, Texas (Tr. Ct. No. 40,573- No. 06-13-00180-CR v. B). Memorandum Opinion delivered by Justice Moseley, Chief Justice Morriss and The State of Texas, Appellee Justice Carter participating.

As stated in the Court’s opinion of this date, we find there was partial error in the judgment of the court below. Therefore, we modify the trial court’s judgment to reflect an assessment of \$977.50 for attorney’s fees.

We further direct the trial court to ensure that appellant is reimbursed or otherwise credited for any attorney's fee payment already made over and above \$977.50. As modified, the judgment of the trial court is affirmed.

We note that the appellant, Kassie Stephenson, has adequately indicated her inability to pay costs of appeal. Therefore, we waive payment of costs. RENDERED JUNE 4, 2014 BY ORDER OF THE COURT JOSH R. MORRISS, III CHIEF JUSTICE ATTEST: Debra K. Autrey, Clerk