

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

Tara Kellie Brown v. the State of Texas

No. 13-26-00088-CR (Tex. App.—Corpus Christi—Edinburg June 11, 2026) (mem. op.) · No. 13-26-00088-CR ·
Decided June 11, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas considered challenges to a bill of costs and judgment following the adjudication of Tara Kellie Brown’s guilt for injury to an elderly individual. The court modified the bill of costs to remove an unpronounced \$100 fine and modified the judgment to reflect \$495 in court costs, affirming the judgment as modified.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas
WRITING FOR THE COURT	Clarissa Silva; Chief Justice Tijerina; Justice Silva; Justice Cron
JURISDICTION	Court of Appeals for the Thirteenth District of Texas
DECIDED	June 11, 2026
DOCKET	13-26-00088-CR
DISPOSITION	other
PROCEDURAL POSTURE	Brown appealed the trial court's judgment adjudicating her guilt and the associated bill of costs, challenging an unpronounced fine and discrepancies between the judgment and bill of costs concerning court costs and clerk fees.
STANDARD OF REVIEW	The court reviews the assessment of court costs to determine whether there is a basis for each cost, not whether sufficient trial evidence proved each cost. Absent a challenge to a specific cost or its basis, a bill of costs is sufficient. An appellate court may modify a judgment or bill of costs to make the record speak the truth.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated do not publish.
PARTIES	Tara Kellie Brown v. The State of Texas

TOPICS

- criminal procedure
- sentencing
- appellate procedure
- remedies
- appellate jurisdiction

PRACTICE AREAS

Texas criminal procedure

criminal sentencing

appellate remedies

QUESTIONS PRESENTED

1. Whether a \$100 fine could be included in the bill of costs when the fine was not orally pronounced in Brown's presence.
2. Whether the judgment should be modified to reflect \$495 in court costs listed in the certified bill of costs rather than the \$290 stated in the judgment.

HOLDINGS

1. A fine may not be included in the bill of costs when it was not orally pronounced in the defendant's presence as part of the sentence. The court modified the bill of costs to reflect a fine of zero.
2. The judgment was properly modified to reflect \$495 in court costs, the amount listed in the certified bill of costs, because Brown did not specifically challenge the basis for any individual cost.

KEY QUOTATIONS

"A fine is punitive in nature and is part of a defendant's sentence." (3)

"The Texas Court of Criminal Appeals has explicitly held that court costs are not part of the sentence and do not need to be orally pronounced or incorporated by reference into the judgment." (4)

"Absent a challenge to a specific cost or basis for the assessment of that cost, a bill of costs is sufficient." (5)

"Having modified the trial court's judgment and bill of costs, we affirm as modified." (6)

FACTUAL BACKGROUND

Brown was indicted for injury causing bodily injury to an elderly individual, pleaded guilty, and was placed on three years of deferred-adjudication community supervision. After the State alleged supervision violations, the trial court adjudicated her guilty and imposed four years' imprisonment. The court did not orally pronounce a fine, and its written judgment stated that fines were not applicable and court costs were \$290. A certified bill of costs later listed a \$100 fine, \$495 in court costs, and \$110 in clerk fees.

PROCEDURAL HISTORY

Brown pleaded guilty to injury causing bodily injury to an elderly individual and received deferred-adjudication community supervision. After the State moved to adjudicate guilt, the trial court adjudicated her guilty and sentenced her to four years' imprisonment. The written judgment listed no fine and \$290 in court costs, while the certified bill of costs listed a \$100 fine, \$495 in court costs, and \$110 in clerk fees. The court of appeals modified the judgment and bill of costs and affirmed as modified.

DISPOSITION

CASES CITED

- Jones v. State, 691 S.W.3d 671, 679 (Tex. App.—Houston [14th Dist.] 2024, pet. ref'd)
- Anastassov v. State, 664 S.W.3d 815, 820 (Tex. Crim. App. 2022)
- Armstrong v. State, 340 S.W.3d 759, 766–67 (Tex. Crim. App. 2011)
- Burt v. State, 445 S.W.3d 752, 757 (Tex. Crim. App. 2014)
- Taylor v. State, 131 S.W.3d 497, 500 (Tex. Crim. App. 2004)
- Thompson v. State, 108 S.W.3d 287, 290 (Tex. Crim. App. 2003)
- Ruyle v. State, No. 02-24-00199-CR, 2025 WL 938131, at *2 (Tex. App.—Fort Worth Mar. 27, 2025, no pet.) (mem. op., not designated for publication)
- Martinez v. State, 527 S.W.3d 310, 329 (Tex. App.—Corpus Christi–Edinburg 2017, pet. ref'd)
- French v. State, 830 S.W.2d 607, 609 (Tex. Crim. App. 1992)
- Allen v. State, 426 S.W.3d 253, 256–57, 259 (Tex. App.—Texarkana 2013, no pet.)
- Weir v. State, 278 S.W.3d 364, 367 (Tex. Crim. App. 2009)
- Welch v. State, 683 S.W.3d 525, 527 (Tex. App.—Waco 2023, no pet.)
- Martinez v. State, 507 S.W.3d 914, 916 (Tex. App.—Waco 2016, no pet.)
- Johnson v. State, 423 S.W.3d 385, 389–90, 396 (Tex. Crim. App. 2014)
- Wolfenbarger v. State, 581 S.W.3d 455, 459 (Tex. App.—Texarkana 2019, no pet.)