



9/6/2023

HOLLAND, DAVID LEWIS

TX Ct. No. 81045-E-CR

COA Case No. 07-22-00165-CR

PD-0275-23

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

DISTRICT CLERK POTTER COUNTY

P.O. BOX 9570

AMARILLO, TX 79105

* DELIVERED VIA E-MAIL *

(Appendix C)



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-22-00162-CR
No. 07-22-00163-CR
No. 07-22-00164-CR
No. 07-22-00165-CR

DAVID LEWIS HOLLAND, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court Nos. 80,908-E-CR, 80,921-E-CR, 80,977-E-CR, 81,045-E-CR
Honorable Douglas R. Woodburn, Presiding

May 1, 2023

MEMORANDUM OPINION

Before PARKER and DOSS and YARBROUGH, JJ.

David Lewis Holland, Appellant, appeals the trial court's denial of his motion to dismiss his indictments on the grounds that his right to a speedy trial was violated. We conclude that there was no violation of Appellant's Sixth Amendment right to a speedy trial and accordingly affirm the judgments of the trial court.

\$10,000 fine on the evading arrest charge; and eighty years' confinement on the aggravated assault with a deadly weapon charge.

ANALYSIS

In this appeal, Appellant presents one issue in which he alleges a violation of his right to a speedy trial under the Sixth Amendment to the United States Constitution and Article 1, Section 10, of the Texas Constitution. The Sixth Amendment guarantees a defendant in a criminal prosecution the right to a speedy trial. U.S. CONST. amend. VI; *State v. Lopez*, 631 S.W.3d 107, 113 (Tex. Crim. App. 2021). The Texas Constitution also guarantees this right. TEX. CONST. art. 1, § 10. Speedy trial right claims under both constitutions are analyzed in the same manner. See *Harris v. State*, 827 S.W.2d 949, 956 (Tex. Crim. App. 1992) (en banc).

The purpose of the speedy trial requirement is to ensure a speedy trial, not to dismiss a meritorious case that should be prosecuted in the interest of justice. *Cantu v. State*, 253 S.W.3d 273, 281 (Tex. Crim. App. 2008). The right to a speedy trial is "amorphous," "slippery," and "necessarily relative." *Vermont v. Brillon*, 556 U.S. 81, 89, 129 S. Ct. 1283, 173 L. Ed. 2d 231 (2009) (citations omitted). The right protects an accused against oppressive pretrial incarceration, the anxiety and concern that accompany public accusation, and impairment to the accused's defense. *Cantu*, 253 S.W.3d at 280. It attaches once a person is either arrested or charged. *Id.*

In analyzing whether a defendant has been denied the right to a speedy trial, a reviewing court considers the factors described in *Barker v. Wingo*, 407 U.S. 514, 530, 92 S. Ct. 2182, 33 L. Ed. 2d 101 (1972). *Hopper v. State*, 520 S.W.3d 915, 924 (Tex.

Crim. App. 2017). The *Barker* factors include (1) length of delay, (2) reasons for the delay, (3) defendant's assertion of his speedy trial right, and (4) prejudice, if any, suffered by the defendant due to the delay. *Barker*, 407 U.S. at 530. The State bears the burden of justifying the length of delay, while the defendant has the burden to prove that he asserted his right and that he has been prejudiced. *Cantu*, 253 S.W.3d at 280.

We apply a bifurcated standard of review in a speedy trial analysis, assessing factual determinations against an abuse of discretion standard and conducting a de novo review of legal determinations. *Lopez*, 631 S.W.3d at 113–14. We give almost total deference to the trial court's findings of historical facts provided those facts are supported by the record. *Gonzales v. State*, 435 S.W.3d 801, 808 (Tex. Crim. App. 2014). The balancing of the *Barker* factors, however, is a purely legal question that we review de novo. *Balderas v. State*, 517 S.W.3d 756, 768 (Tex. Crim. App. 2016).

To trigger a speedy trial analysis, the defendant must make an initial showing that “the interval between accusation and trial has crossed the threshold dividing ordinary from ‘presumptively prejudicial’ delay.” *Gonzales*, 435 S.W.3d at 808 (quoting *Doggett v. United States*, 505 U.S. 647, 651–52, 112 S. Ct. 2686, 120 L. Ed. 2d 520 (1992)); see also *Barker*, 407 U.S. at 530 (length of delay is “triggering mechanism” for analysis of remaining *Barker* factors). However, there is no set or defined period of time that has been held to constitute a per se violation of a defendant's speedy trial right. *Barker*, 407 U.S. at 530–31; *Cantu*, 253 S.W.3d at 281. We consider alleged violations on a case-by-case basis, considering each case on its own merits. *Zamorano v. State*, 84 S.W.3d 643, 648–49 (Tex. Crim. App. 2002) (en banc).

The Court of Criminal Appeals has held that a delay of four months was not presumptively prejudicial, while a delay of seventeen months was, based on the facts of those particular cases. *Cantu*, 253 S.W.3d at 281. Courts generally deem delay approaching one year to be “unreasonable enough to trigger the *Barker* enquiry.” *Dragoo v. State*, 96 S.W.3d 308, 314 (Tex. Crim. App. 2003). However, we have observed that “the delay that can be tolerated for an ordinary street crime is considerably shorter than for a serious, more complex charge.” *Lovelace v. State*, 654 S.W.3d 42, 48 (Tex. App.—Amarillo 2022, no pet.). Here, Appellant was arrested on May 10, 2021, and went to trial on May 23, 2022, an interval of slightly more than one year. Although Appellant’s four felony charges make the case both serious and complex, we deem the one-year delay sufficient to trigger an analysis of the remaining *Barker* factors. However, because the delay just exceeds the one-year mark, this first factor does not weigh heavily in favor of finding a violation of Appellant’s speedy trial right.

The second factor to consider is the reason for the delay. We do not ascribe equal weight to all reasons for delay: “an intentional delay for tactical reasons is weighed heavily against the State; a neutral reason, such as overcrowded courts or negligence, is weighed less heavily against the State; and a valid reason is not weighed against the State at all.” *State v. Conatser*, 645 S.W.3d 925, 929 (Tex. App.—Dallas 2022, no pet.). Here, the record discloses more than one factor that led to the delay. The first was the State’s request for a continuance in September while the State awaited the results of forensic analysis from the Lubbock Crime Laboratory. Another was the trial court’s crowded docket, referenced by the trial judge at the pretrial hearing in May. These neutral reasons weigh against the government, but not heavily. See *Conatser*, 645 S.W.3d at 929 (delay

due to backlog at crime lab weighs “only slightly” against State). There is no indication that the State deliberately delayed Appellant’s trial for tactical reasons. Therefore, we conclude that this factor weighs only slightly against the State.

Regarding the third *Barker* factor, the defendant bears the responsibility of asserting his right to a speedy trial. *Cantu*, 253 S.W.3d at 282. An individual must assert a speedy-trial claim before the trial court in order to preserve the issue for appellate review. *Henson v. State*, 407 S.W.3d 764, 767 (Tex. Crim. App. 2013). Here, Appellant filed pro se motions for a speedy trial in October and November of 2021.³ At that time, he was represented by his appointed counsel. A defendant has no right to hybrid representation and the trial court is free to disregard any pro se motions presented by a defendant who is represented by counsel. *Robinson v. State*, 240 S.W.3d 919, 922 (Tex. Crim. App. 2007). It appears the trial court took no action on Appellant’s pro se motions, as was within its authority. See *id.* Thus, we do not consider these motions in our analysis.

Appellant next made a request for a speedy trial at a hearing in January of 2022, when his appointed counsel was allowed to withdraw. At that point, the trial court advised Appellant that the speedy trial matter was resolved, as the case was set for trial in April. We note that Appellant subsequently moved the trial court for additional forensic and investigative services to prepare his defense. As late as April of 2022, motions filed by

³ Appellant’s first motion was dated October 8, 2021, and filed by the district clerk on October 19. In it, Appellant requested that the matter be dismissed if not set for trial on or before October 25, 2021. His second motion was dated November 15, 2021, and filed by the district clerk on November 24. There, Appellant requested that the matter be dismissed if not set for trial on or before November 25, 2021. We are mindful that “the actual trial need not occur on the accused’s timetable.” *Ex parte Sheffield*, 611 S.W.3d 630, 635 (Tex. App.—Amarillo 2020, pet. granted) (mem. op., not designated for publication).

Appellant referenced his need to “properly prepare for trial,” indicating that he was not ready to proceed to trial. Appellant’s desire for further investigation and apparent lack of readiness during these months suggests that he acquiesced to the delay at that point. See *Doggett*, 505 U.S. at 658 (any presumption of prejudice is extenuated by defendant’s acquiescence to delay); *Zamarripa v. State*, 573 S.W.3d 514, 525 (Tex. App.—Houston [14th Dist.] 2019, no pet.) (acquiescence in further delay weighs against finding of violation of right to speedy trial). We conclude that this factor weighs in favor of the State.

The final *Barker* factor considers the prejudice, if any, suffered by the defendant as a result of the delay. *Barker*, 407 U.S. at 532. We consider this factor in light of the interests a speedy trial is intended to protect against: (1) oppressive pretrial incarceration, (2) excessive anxiety over the pending charges, and (3) impairment of the accused’s ability to present a defense. *Id.* The defendant bears the burden of making an initial showing that the delay was prejudicial. *State v. Munoz*, 991 S.W.2d 818, 826 (Tex. Crim. App. 1999) (en banc). When the defendant makes a prima facie showing of prejudice, the burden shifts to the State to show that the defendant suffered “no serious prejudice beyond that which ensued from the ordinary and inevitable delay.” *Id.* (quoting *Ex parte McKenzie*, 491 S.W.2d 122, 123 (Tex. Crim. App. 1973)).

Appellant argues that the “length of the delay alone is sufficient to establish a presumption of prejudice” While we acknowledge that a stay in jail is oppressive and may produce anxiety and concern, Appellant directs us to no authority supporting his claim or suggesting that his pretrial incarceration was of a type different than that suffered by any other person awaiting trial in jail. See *Callender v. State*, No. 07-13-00069-CR, 2013 Tex. App. LEXIS 15057, at *3–5 (Tex. App.—Amarillo Dec. 12, 2013, no pet.) (mem.

op., not designated for publication) (pretrial incarceration for eleven months alone is not sufficient prejudice to support speedy trial claim).

Appellant further argues that he was prejudiced because “his alibi witnesses either had fading memories or died.” Although Appellant does not expound upon this claim in his brief, we gather from the record that Appellant is referring to the death of his grandmother, who Appellant claimed was prepared to present evidence that Appellant was not at the scene of the crime. When a witness dies prior to trial, the loss does not factor into the assessment of prejudice unless the witness died during a period of delay attributable to the State. See *State v. Davis*, 549 S.W.3d 688, 708–09 (Tex. App.—Austin 2017, no pet.); see also *Deeb v. State*, 815 S.W.2d 692, 706 (Tex. Crim. App. 1991) (en banc); *McGregor v. State*, 394 S.W.3d 90, 116 (Tex. App.—Houston [1st Dist.] 2012, pet. ref’d). Here, Appellant stated that his grandmother died on August 2, a mere two months after Appellant was indicted. The State is entitled to a reasonable time to prepare for trial, and that time does not count against the State. See, e.g., *Shaw v. State*, 117 S.W.3d 883, 889–90 (Tex. Crim. App. 2003) (three months from indictment to first trial did not count against State); see also *De Los Santos v. State*, No. 05-08-01692-CR, 2010 Tex. App. LEXIS 3272, at *7–8 (Tex. App.—Dallas May 3, 2010, no pet.) (mem. op., not designated for publication) (six-month delay between indictment and trial was reasonable because State is entitled to reasonable period in which to prepare its case). Thus, we cannot fairly conclude that this witness’s unavailability was attributable to a delay in bringing Appellant to trial. We conclude Appellant has not borne his burden of making an initial showing that the delay was prejudicial. Therefore, the final *Barker* factor does not weigh in his favor.

Considering all four of the prongs under *Barker*, we conclude that any delay in bringing Appellant to trial was not violative of his constitutional rights under either the federal or the state constitution. We overrule Appellant's sole issue.

CONCLUSION

Having overruled the single issue presented by Appellant, we affirm the trial court's judgments.

Judy C. Parker
Justice

Do not publish.



BRIAN QUINN
Chief Justice

JUDY C. PARKER
Justice

LAWRENCE M. DOSS
Justice

ALEX YARBROUGH
Justice

Court of Appeals

Seventh District of Texas
Potter County Courts Building
501 S. Fillmore, Suite 2-A
Amarillo, Texas 79101-2449
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June 14, 2023

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Attorney at Law
Wells Fargo Center
905 South Fillmore Street, Suite 550
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* DELIVERED VIA E-MAIL *

Kerry Sullivan
Assistant District Attorney
501 South Fillmore Street, Suite 5A
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* DELIVERED VIA E-MAIL *

RE: Case Number: 07-22-00162-CR, 07-22-00163-CR, 07-22-00164-CR,
07-22-00165-CR
Trial Court Case Number: 80,908-E-CR, 80,921-E-CR, 80,977-E-CR,
81,045-E-CR

Style: David Lewis Holland v. The State of Texas

Dear Counsel:

By Order of the Court, Appellant's motion for rehearing is this day denied.

Sincerely,

Bobby Ramirez

Bobby Ramirez, Clerk

cc: Honorable Douglas R. Woodburn (DELIVERED VIA E-MAIL)
Stephnie Menke (DELIVERED VIA E-MAIL)



CAUSE No. 080908-E-CR COUNT No. I
INCIDENT No. /TRN: 9288241906-A001

THE STATE OF TEXAS § IN THE 108TH DISTRICT COURT
V. §
DAVID LEWIS HOLLAND § IN AND FOR
§ POTTER COUNTY, TEXAS
§
STATE ID No.: TX06194186 §

NUNC PRO TUNC
JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	DOUGLAS R. WOODBURN	Date Sentence Imposed:	5/25/2022
Attorney for State:	TIM BURSON SBN:24117693	Attorney for Defendant:	Jeffrey Hill SBN:24075602
Offense for which Defendant Convicted:			
ARSON INTEND DAMAGE HABITAT/PLACE OF WORSHIP			
Charging Instrument:		Statute for Offense:	
INDICTMENT		PC 28.02(d)(2)	
Date of Offense:		Plea to Offense:	
4/25/2021		Not Guilty	
Degree of Offense:			
Felony - 1st Degree			
Verdict of Jury:		Findings on Deadly Weapon:	
GUILTY		YES, NOT A FIREARM	
1st Enhancement Paragraph:		Finding on 1st Enhancement Paragraph:	
PLEADED TRUE		FOUND TRUE	
2nd Enhancement Paragraph:		Finding on 2nd Enhancement Paragraph:	
N/A		N/A	
Punishment Assessed by:		Date Sentence Commences: (Date does not apply to confinement served as a condition of community supervision.)	
Jury		5/25/2022	
Punishment and Place of Confinement:		NINETY NINE (99) YEARS INSTITUTIONAL DIVISION, TDCJ	
THIS SENTENCE SHALL RUN: CONCURRENTLY.			
<input type="checkbox"/> SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR (The document setting forth the conditions of community supervision is incorporated herein by this reference.)			
<input type="checkbox"/> Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc. (For sex offender registration purposes only) The age of the victim at the time of the offense was N/A			
Fines:		Restitution:	
\$ 10,000.00		\$ 0	
Court Costs:		Restitution Payable to:	
\$ As per attached Bill of Cost		(See special finding or order of restitution which is incorporated herein by this reference.)	
Reimbursement Fees:			
\$ As per attached Bill of Cost			
Was the victim impact statement returned to the attorney representing the State? N/A			

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? **N/A**

Total Jail

Time Credit: If Defendant is to serve sentence in county jail or is given credit toward the fine and costs, enter days credited below.

381 DAYS

N/A DAYS

NOTES: N/A

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared with counsel.

☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

☐ Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and **ORDERED** it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

☒ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☐ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court **ADJUDGES** Defendant **GUILTY** of the above offense. The Court **FINDS** that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court **ORDERS** Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court **ORDERS** Defendant to pay the fines, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court **ORDERS** Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fines, court costs, reimbursement fees, and restitution due.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fines, court costs, reimbursement fees, and restitution due.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, reimbursement fees, and restitution ordered by the Court in this cause.

☐ **Confinement as a Condition of Community Supervision.** The Court **ORDERS** Defendant confined _____ days in _____ as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- ☒ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, Transp. Code, or other Code) \$ **10,000.00** (not to exceed \$10,000)
- ☐ Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ (not to exceed \$10,000)
- ☐ Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ (\$100)
- ☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ (\$100)
- ☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ (\$100)
- ☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ (\$50)
- ☐ State Traffic Fine (§ 542.4031, Transp. Code) \$ (\$50)
- ☐ Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ (not to exceed \$50)
- ☐ Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ (To Be Determined by the Court)
- ☐ Repayment of Reward Fine - as Cond of CS (Art. 42A.301 (b) (20), Code Crim. Proc.) \$ (not to exceed \$50)
- ☐ DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§ 709.001, Transp. Code) \$ (not to exceed \$6,000)

Execution of Sentence


- ☒ The Court **ORDERS** Defendant's sentence **EXECUTED**. The Court **FINDS** that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

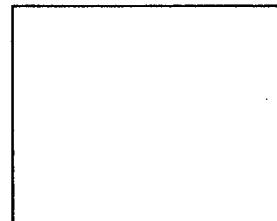
Furthermore, the following special findings or orders apply:

The Court **FINDS** Defendant used or exhibited a deadly weapon, namely, **GASOLINE AND/OR FIRE**, during the commission of a felony offense or during immediate flight therefrom or was a party to the offense and knew that a deadly weapon would be used or exhibited. **TEX. CODE CRIM. PROC. art. 42.12 §3g.**

The Clerk is hereby **ORDERED** to send a certified copy of the Order Granting Jail Time Credit Nunc Pro Tunc to the Texas Department of Criminal Justice-CID, Attention: Classification and Records Department, P.O. Box 99, Huntsville, Texas 77342-0099.

Date Judgment Entered: 6/30/2022 10:37:03 AM

X 
DOUGLAS R. WOODBURN
 JUDGE PRESIDING



Thumbprint

CAUSE NO. 080908-E-CR

THE STATE OF TEXAS

vs.

DAVID LEWIS HOLLAND

§
§
§
§
§

IN THE 108TH DISTRICT COURT

IN AND FOR

POTTER COUNTY, TEXAS

Article 42.15 Addendum

After conducting the inquiry required by CCP Art. 42.15(a-1), the Court makes the following findings:

_____ The defendant presently has sufficient resources or income to immediately pay all of the fine and costs.

_____ The defendant presently has sufficient resources or income to immediately pay part of the fine and costs and will, in the future, have the ability to pay the balance of the fine and costs at a later date or at designated intervals.

X

_____ The defendant does not presently have sufficient resources or income to immediately pay all or part of the fine and costs but will, in the future, have the ability to pay the fine and costs at a later date or at designated intervals.

_____ The defendant is indigent or does not presently have sufficient resources or income to pay all or part of the fine and costs and will not, in the future, have the ability to pay the fine and costs at a later date or at designated intervals and to require the defendant to pay or discharge the fine and costs by an alternate method would impose an undue hardship.

Accordingly, the Court enters the following orders:

_____ The defendant shall pay all of the fine and costs on this date or on _____.

_____ The defendant shall pay \$_____ of the fine and costs on this date and shall make arrangements with the District Clerk/County Clerk or its designee to pay the balance of the fine and costs on _____ or at designated intervals.

_____ The defendant shall pay all of the fine and costs at designated intervals with the times and amounts of such payments to be determined by the District Clerk/County Clerk or its designee.

_____ \$_____ of the fine and \$_____ of the costs shall be waived and the balance of the fine and costs shall be paid or discharged as specified above.

X

_____ The defendant shall pay all of the fine and costs to District Clerk/County Clerk or its designee upon release on parole or completion of his/her sentence. If the defendant is unable to pay all of the fines and costs upon release, the defendant shall, upon release, appear before the District Clerk/County Clerk or its designee and make arrangements to pay the fine and costs at designated intervals.

_____ The fine and costs shall be waived.

_____ The defendant shall be confined for a sufficient length of time to discharge the full amount of the fine and costs adjudged against the defendant. The District Clerk/County Clerk or its designee shall give the defendant credit for any excess confinement, if any, in lieu of requiring the defendant to serve additional confinement.

SIGNED _____

6/30/2022 10:37:14 AM



DOUGLAS R. WOODBURN

THE STATE OF TEXAS

X

Cause No.

VS. *Holland,*

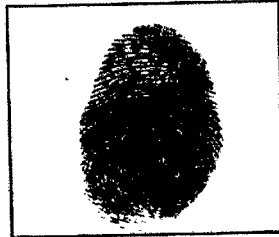
X

David Lewis

X

080908-ECR

X



Defendant's Right
Thumbprint

[Signature]

Signature of Bailiff,
Acting for the Court, who took
the thumbprint immediately to
the left hereof on this

____ day of

____ 20____

THE STATE OF TEXAS

X

Cause No.

VS. *Holland,*

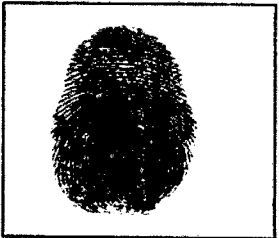
X

David Lewis

X

080908-ECR

X



Defendant's Right
Thumbprint

[Signature]

Signature of Bailiff,
Acting for the Court, who took
the thumbprint immediately to
the left hereof on this

____ day of

____ 20____

P.O. Box 9570
Amarillo, Texas 79105-9570
501 S. Fillmore – Suite 1B

Potter County
Stephnie Menke
DISTRICT CLERK
www.co.potter.tx.us/page/potter.District.Clerk

806/379-2300
Fax: 806/372-5061
districtclerk@co.potter.tx.us

Bill of Cost

State of Texas
VS
David Lewis Holland

Cause Number: 080908-E-CR
Date of Judgment: 05/27/2022

Costs accrued in the above-entitled cause to date:

Fee Description	Charges	Balance
County Consolidated Court Costs 1/2020	\$105.00	\$105.00
General Fine 1-2020	\$10,000.00	\$10,000.00
Sheriff's Reimbursement Fees	\$60.00	\$60.00
State Consolidated court costs 1/2020	\$185.00	\$185.00

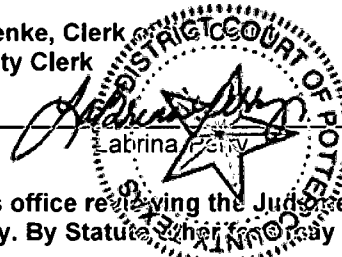
Initial Amount Due:	\$10,350.00
Amount Paid:	\$0.00
Amount Previously Credited:	\$0.00
Remaining Amount Due:	\$10,350.00

I hereby certify the above to be a correct account of the fine and court cost in the above cause as shown in the record as of July 01, 2022. Issued and given under my hand and seal on July 01, 2022.

Stephnie Menke, Clerk
Potter County Clerk

By: _____

Deputy



Please Note – other fees may be applied at a later date: Upon this office reviewing the Judgment, Probation Order, Order Deferring, and Order to pay court appointed attorney. By Statute, other fees may apply.

Transaction fee of \$2.00 may be assessed on each payment toward the fine and court costs assessed.

Time Payment Fee – Shall be waived, if the full payment is made on or before the 31st day after the pleading date.

Attorney fees are not collected until the court finds the defendant able to pay, pursuant to TXCCP Art. 26.05 section (g)

(Attachment A)

Filed
Stephnie Menke
District Clerk
9/10/2021 8:00 AM
Potter County, Texas
By LP Deputy

CAUSE NOS. 80908-E-CR
80921-E-CR
80977-E-CR

THE STATE OF TEXAS
VS.
DAVID LEWIS HOLLAND

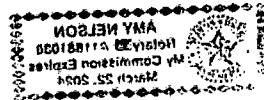
IN THE 108th DISTRICT COURT
IN AND FOR
POTTER COUNTY, TEXAS

MOTION SETTING HEARING


TO THE HONORABLE COURT:

The State of Texas, Movant, makes this motion requesting that a hearing be set on the
MOTION FOR CONTINUANCE previously filed.

1) Defense Counsel has objected to the motion for continuance.



Respectfully submitted


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