

APPENDIX  
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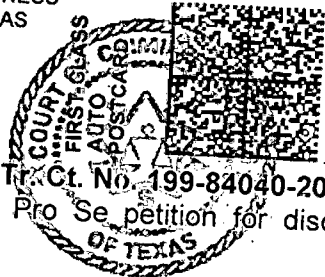
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PD-0499-25

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RAY, JOSEPH WUENSCH Tr. Ct. No. 199-84040-2022

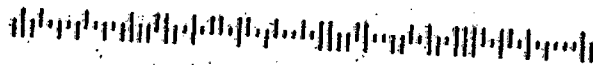
On this day, the Appellant's Pro Se petition for discretionary review has been refused.

Deana Williamson, Clerk

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APPENDIX  
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Affirmed as Modified and Opinion Filed June 20, 2025



In The  
Court of Appeals  
Fifth District of Texas at Dallas

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No. 05-24-00455-CR

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JOSEPH WUENSCH RAY, Appellant  
V.  
THE STATE OF TEXAS, Appellee

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On Appeal from the 199th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 199-84040-2022

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**MEMORANDUM OPINION**

Before Justices Garcia, Breedlove, and Jackson  
Opinion by Justice Garcia

Appellant was convicted of continuous sexual abuse of a child and punishment was assessed at fifty-two years in prison. Upon conviction, appellant was assessed \$485.00 in court costs and fees, but the judgment ordered that these amounts are not due until he is released from confinement.

In two issues, appellant argues the bill of cost should be reformed to remove all costs and fees because it conflicts with the judgment by making costs currently payable and overdue, and the judgment should be reformed to reflect the correct age of the complainant. The State agrees that the bill of costs and the judgment should be reformed, but argues that instead of removing all costs and fees from the bill of

costs, we should modify the judgment with language requiring payment upon release from confinement. We modify the judgment to reflect that the complainant's correct age and modify the bill of costs to reflect that payment is due upon release from confinement. As modified, we affirm the trial court's judgment.

Because the underlying facts concerning appellant's conviction are not relevant to our determination, we focus only on the facts necessary to disposition of the issues raised on appeal.

#### I. MODIFYING THE BILL OF COSTS

Appellant argues the bill of costs should be modified because it conflicts with the judgment. The State agrees, but differs on the appropriate modification. This court has the authority to amend the bill of costs. *See, e.g., Leger v. State*, No. 05-22-00867-CR, 2024 WL 2287209, at \*9 (Tex. App.—Dallas May 21, 2024, no pet.) (mem. op., not designated for publication).

The judgment states, in pertinent part that, "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 fine, court costs, and restitution due." *See* TEX. CODE CRIM. PROC. ANN. art. 42.15(b)(2) (allowing the trial court to order payments of costs at a later date). The bill of costs assesses \$485.00 in total costs and provides "If total court costs, reimbursement fees, fines and costs are not paid within 31 days of the Judgment, an additional Time Payment Fee of \$15.00 will be

assessed pursuant to the applicable Statutes and related case law.” Therefore, the bill of costs conflicts with the trial court’s judgment.

A clerk’s bill of costs of the criminal conviction is permitted pursuant to Article 103.001 of the Texas Code of Criminal Procedure, and its issuance makes the included costs payable under the same statute. TEX. CODE CRIM. PROC. ANN. art. 103.001. Court costs, as reflected in a certified bill of costs, need neither be orally pronounced nor incorporated by reference in the judgment to be effective. *See Weir v. State*, 278 S.W.3d 364, 367 (Tex. Crim. App. 2009). This is because court costs do not “alter the range of punishment to which the defendant is subject, or the number of years assessed” and, thus, are not part of the sentence. *Id.* at 367. Instead, court costs are compensatory in nature; that is, they are “a nonpunitive recoupment of the costs of judicial resources expended in connection with the trial of the case.” *Id.* at 366.

Appellant argues that we should remove all costs from the bill of costs because the judgment provides that costs are not payable until he is released from confinement and costs are due when a bill of cost issues. This argument is not persuasive. Our court, among others, has concluded that when the bill of costs conflicts with the judgment’s requirement that costs are not due until release from confinement, the appropriate remedy is to modify the bill of costs to conform with the judgment. *See Willbanks v. State*, No. 05-24-00537-CR, 2025 WL 1657265, at \*3 (Tex. App.—Dallas June 11, 2025, no pet. h.) (mem. op., not designated for

publication); *Amos v. State*, No. 05-24-00534-CR, 2025 WL 1314109, at \*5 (Tex. App.—Dallas May 6, 2025, no pet.) (mem. op., not designated for publication); see also *Ramirez v. State*, No. 02-24-00224-CR, 2025 WL 1350046, at \*3 (Tex. App.—Fort Worth May 8, 2025, no pet.) (mem. op., not designated for publication) (modifying bill or costs to include statement assessed costs and fees are not due until defendant is released from confinement); *Bartley v. State*, No. 06-24-00052-CR, 2025 WL 915045, at \*1 (Tex. App.—Texarkana Mar. 26, 2025, no pet.) (mem. op., not designated for publication) (same). We follow these decisions here and modify the bill of costs accordingly.

## II. MODIFYING THE JUDGMENT

The judgment states that the complainant was eight years' old at the time of the offense. Appellant argues the judgment should be modified to reflect that the complainant was nine years' old. The State agrees.

We may modify a trial court's written judgment if the necessary information to do so is contained in the record. TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref'd). Because the record supports the requested modification, we modify the judgment accordingly.

## III. CONCLUSION

We modify the bill of costs to state:

“Court costs are not due until defendant is released from confinement. If total court costs, reimbursement fees, fines, and costs are not paid without unnecessary delay to the District Clerk’s office upon defendant’s release from confinement, an additional Time Payment Fee of \$15.00 will be assessed pursuant to the applicable statutes and related case law.”

We modify the judgment to reflect that the complainant was nine years old at the time of the offense. As modified, the judgment is affirmed.

/Dennise Garcia/

DENNISE GARCIA  
JUSTICE

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TEX. R. APP. P. 47.2(b)



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

JOSEPH WUENSCH RAY,  
Appellant

No. 05-24-00455-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 199th Judicial  
District Court, Collin County, Texas  
Trial Court Cause No. 199-84040-  
2022.

Opinion delivered by Justice Garcia.  
Justices Breedlove and Jackson  
participating.

Based on the Court's opinion of this date, the bill of costs is **MODIFIED** to state: "Court costs are not due until defendant is released from confinement. If total court costs, reimbursement fees, fines, and costs are not paid without unnecessary delay to the District Clerk's office upon defendant's release from confinement, an additional Time Payment Fee of \$15.00 will be assessed pursuant to the applicable statutes and related case law," and the judgment of the trial court is **MODIFIED** to reflect that the complainant was nine years' old at the time of the offense. As **REFORMED**, the judgment is **AFFIRMED**.

Judgment entered this 20<sup>th</sup> day of June 2025.