IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. WR-32,024-02

IN RE MATTHEW LYLE, Relator

ON APPLICATION FOR A WRIT OF MANDAMUS
CAUSE NO. 10426 IN THE 132ND DISTRICT COURT
FROM SCURRY COUNTY

***Per curiam*.**

O R D E R

Relator has filed a motion for leave to file an application for a writ of mandamus pursuant to the original jurisdiction of this Court. In it, he contends, among other things, that he was appointed counsel but later ordered to pay $600.00 in attorney fees without the trial court determining his financial resources and ability to pay. He also contends that the $90.00 in restitution he was ordered to pay was improper.

Respondent, the Judge of the 132nd District Court of Scurry County, shall file a response and state whether Relator was previously found indigent and, if so, Respondent determined Relator's financial resources and ability to pay before $600.00 in attorney fees were assessed. *See Mayer v.*

State, 309 S.W.3d 552, 556 (Tex. Crim. App. 2010) ("[T]he defendant's financial resources and ability to pay are explicit critical elements in the trial court's determination of the propriety of ordering reimbursement of costs and fees."). Respondent shall also state whether the $90.00 in restitution contained in the judgment was authorized. *See* TEX. CODE CRIM. PROC. art. 42.037; *Hanna v. State*, 426 S.W.3d 87, 94 (Tex. Crim. App. 2014) ("[F]or purposes of the restitution statute, a 'victim' is any person who suffered loss as a direct result of the criminal offense."). Respondent shall submit a response within thirty days of the date from the date of this order. This application will be held in abeyance until Respondent has submitted his response.

Filed: July 24, 2019
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