In The

Court of Appeals

Ninth District of Texas at Beaumont

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NO. 09-10-00518-CR
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CLARENCE HARVARD GOODSON II, Appellant

V.

THE STATE OF TEXAS, Appellee

_____

On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 10-03-03133 CR
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MEMORANDUM OPINION

A jury found Clarence Harvard Goodson II guilty of unlawful possession of a firearm by a felon, a third-degree felony, and assessed punishment at ten years of imprisonment and a $10,000 fine. Goodson's appellate counsel filed a brief that presents counsel's professional evaluation of the record and concludes the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). We granted extensions of time for appellant to

file a *pro se* brief. We received no response from appellant other than a request for new counsel.

We reviewed the appellate record. We agree with counsel's conclusion that no arguable issues support an appeal. It is unnecessary to order appointment of new counsel to re-brief the appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

The State agrees that the attorney fee assessment of $3,350 should be deleted from the judgment; the record does not reflect that the trial court addressed Goodson's ability to pay attorney fees. *See* Tex. Code Crim. Proc. Ann. art. 26.05(g) (West Supp. 2010); *Roberts v. State*, 327 S.W.3d 880, 883-84 (Tex. App.—Beaumont 2010, no pet.). We modify the judgment to delete the requirement that Goodson pay attorney fees of $3,350. The trial court's judgment is affirmed as modified.[1]

AFFIRMED AS MODIFIED.

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DAVID GAULTNEY
Justice

Submitted on September 28, 2011
Opinion Delivered October 19, 2011
Do Not Publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.

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[1]Appellant may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.