



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-17-00064-CV  
NO. 02-17-00065-CV  
NO. 02-17-00066-CV  
NO. 02-17-00067-CV  
NO. 02-17-00068-CV**

MARCUS EUGENE BOONE

APPELLANT

V.

THE STATE OF TEXAS

APPELLEE

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FROM THE 372ND DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NOS. 1413540D, 1413538D, 1413539D, 1412646D, 1411974D  
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**MEMORANDUM OPINION<sup>1</sup>**

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Because Appellant Marcus Eugene Boone has now received from the trial court the relief he sought on appeal, we dismiss these appeals as moot.

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<sup>1</sup>See Tex. R. App. P. 47.4.

Appellant timely filed a notice of appeal from each of the trial court's judgments, but he filed an appellate brief complaining only of the corresponding orders to withdraw, also known as withdrawal notifications.<sup>2</sup> See *Palomo v. State*, 322 S.W.3d 304, 307–08 (Tex. App.—Amarillo 2010, order), *disp. on merits*, 330 S.W.3d 920 (Tex. App.—Amarillo 2010, no pet.). Appellant's sole concern was that the amount of court costs in each order to withdraw was the cumulative total of court costs for all five cases.

"Because the trial court ha[d] not entered an appealable order either granting or denying a motion to confirm, modify, correct, or rescind the . . . withdrawal notification," *id.* at 307, this court determined that the notice of appeal in each case was premature. See *id.* The court therefore abated the appeals for ninety days to allow Appellant time (1) to notify the trial court of any alleged error

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<sup>2</sup>Because each notice of appeal indicates that Appellant is appealing from a judgment in a court which gives preference to criminal cases, see Tex. Gov't Code Ann. § 24.517 (West 2004), this court originally docketed these cases as criminal appeals. When the court reviewed the parties' briefs and discovered that Appellant raised only a civil issue, see *Harrell v. State*, 286 S.W.3d 315, 319 (Tex. 2009), the court administratively closed the criminal docket numbers assigned to these cases and instead assigned the current civil docket numbers. We note that unlike these cases, the cases Appellant cited in his brief for the proposition that we may modify an order to withdraw funds in a criminal appeal included punishment issues, *Wordlaw v. State*, Nos. 02-14-00286-CR, 02-14-00287-CR, 2015 WL 505231, at \*1 (Tex. App.—Fort Worth Feb. 5, 2015, no pet.) (mem. op., not designated for publication), or were *Anders* cases requiring the court's independent review of the entire record, *Browne v. State*, Nos. 02-14-00363-CR, 02-14-00364-CR, 2015 WL 5770501, at \*1 (Tex. App.—Fort Worth Oct. 1, 2015, no pet.) (mem. op., not designated for publication); *Haney v. State*, No. 02-14-00238-CR, 2015 WL 3458229, at \*1 (Tex. App.—Fort Worth May 28, 2015, no pet.) (mem. op., not designated for publication).

by filing, as appropriate, a motion to modify, correct, or rescind the order to withdraw funds in each case; (2) to present that motion to the trial court; (3) to schedule any necessary hearing; and (4) to obtain from the trial court a written, appealable order disposing of the motion in each case. See *id.* at 307–08.

We have received a supplemental clerk’s record in each case containing Appellant’s motion to modify or eliminate the withholding order and the trial court’s order granting Appellant’s motion, striking the original withholding order in each case, and replacing the order in trial court cause number 1413540D (appellate cause number 02-17-00064-CR) with Appellant’s proposed order “consolidating the prior orders entered in the causes . . . into a single [o]rder.”

Because Appellant has now received all the relief he sought on appeal, we dismiss these appeals as moot. See Tex. R. App. P. 42.3(a), 43.2(f).

PER CURIAM

PANEL: PITTMAN, J.; LIVINGSTON, C.J.; and WALKER, J.

DELIVERED: June 15, 2017