



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

No. 07-19-00252-CR

TOM BENSON D/B/A ACT QUICK BAIL BONDS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the County Court at Law No. 2
Lubbock County, Texas
Trial Court No. 2018-574,304, Honorable Drue Farmer, Presiding

September 17, 2019

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PARKER, JJ.

Appellant, Tom Benson d/b/a Act Quick Bail Bonds (Benson) appeals from a no-answer default judgment entered in favor of the State. Through a single issue, Benson contends the trial court erred in granting a no-answer default judgment because service was defective under Texas Rules of Civil Procedure 16, 105, 107 and 118. The State filed a letter brief wherein it “concedes that service . . . was not proper” and “requests this Court sustain [Benson’s] claims concerning service, reverse the default judgment against [him], and remand this cause to the trial court for further proceedings.”

We commend the State's candor and accept its concession of error which effectively dispenses with the appeal. So too do we sustain Benson's sole issue, reverse the default judgment, and remand the cause to the trial court for further proceedings.

Per Curiam

Do not publish.