



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-19-00186-CR

RICHARD LEE PERCIVILL, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 124th District Court
Gregg County, Texas
Trial Court No. 48,443-B

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Richard Lee Percivill, Jr., was indicted in two separate indictments for family violence assault. The two cases were tried together, and he entered a plea of guilty to both indictments and a plea of true to the indictments' enhancement allegations of having a prior conviction for family violence assault. The trial court found him guilty and, after a hearing on punishment, sentenced him to five years in prison for each of the two offenses, with the sentences to run concurrently.

In this appeal from his second conviction for family violence assault, Percivill argues that the statute imposing the \$25.00 time payment fee reflected in the judgment and bill of costs is facially unconstitutional.¹

For the reasons stated in our opinion of this date in cause number 06-19-00185-CR, we need not address Percivill's constitutional argument, we conclude that the imposition of a time payment fee was premature, and we modify the bill of costs and the trial court's judgment by deleting the time payment fee.

As modified, the trial court's judgment is affirmed.

Josh R. Morriss, III
Chief Justice

Date Submitted: June 8, 2021
Date Decided: July 23, 2021

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¹The State did not oppose Percivill's arguments on appeal.