



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

---

No. 07-17-00261-CR

---

**KELLI DAWN TIDWELL, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

On Appeal from the 108th District Court  
Potter County, Texas  
Trial Court No. 52,503-E, Honorable Douglas R. Woodburn, Presiding

---

February 27, 2018

**CONCURRING AND DISSENTING OPINION**

Before **CAMPBELL** and **PIRTLE** and **PARKER, JJ.**

I join the Court's opinion to the extent it finds the record reflects no arguably meritorious issue for relief in favor of appellant Tidwell, and so affirms the trial court's judgment of conviction and grants counsel's motion to withdraw. As the Court notes, the State did not file a brief in this appeal. The Court nonetheless *sua sponte* reforms the judgment in favor of the State. In the absence of any request from the State for reformation of the judgment, I would not do so *sua sponte*. See *Carson v. State*, No. 05-14-00595-CR, 2016 Tex. App. LEXIS 8595 (Tex. App.—Dallas Aug. 9, 2016, no pet.)

(mem. op., not designated for publication) (reforming judgment to incorporate fine, on cross-point raised by State in appeal); *Graham v. State*, 693 S.W.2d 29, 30 (Tex. App.—Houston [14th Dist.] 1985, no pet.) (also reforming judgment to reflect assessment of fine, on request of the State). I would affirm the judgment of the trial court without reformation, and so respectfully dissent from the Court's reformation of the judgment.

James T. Campbell  
Justice

Do not publish.