



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

No. 07-22-00153-CR

LUIS ALBERTO LUJAN, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 222nd District Court
Deaf Smith County, Texas
Trial Court No. CR-21B-016, Honorable Roland Saul, Presiding

October 26, 2022

MEMORANDUM OPINION

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

Appellant, Luis Alberto Lujan, appeals from his conviction for assaulting a peace officer. Through his sole issue, he urges that the assessment of a \$15 time payment fee in the bill of costs was premature due to his perfection of an appeal. The State conceded error. See *Pruitt v. State*, 646 S.W.3d 879, 886 (Tex. App.—Amarillo 2022, no pet.) (stating that a defendant’s appeal suspends the duty to pay fines, court costs, and

restitution; therefore, assessment of a time payment fee before the appellate mandate issues is premature”).

As mandate in this cause has yet to issue, we delete from the bill of costs the premature time payment fee assessed. This is done without prejudice to a subsequent assessment in accordance with statute and other applicable laws. We sustain appellant’s sole issue and affirm the judgment.

Brian Quinn
Chief Justice

Do not publish.