



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

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No. 07-22-00281-CR

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**GEOFFREY NATHAN LOWRY, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 181st District Court  
Randall County, Texas  
Trial Court No. 30319B, Honorable Dan Schaap, Presiding

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April 4, 2023

**MEMORANDUM OPINION**

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

Following a plea of not guilty, Appellant, Geoffrey Nathan Lowry, was convicted by a jury of online solicitation of a minor.<sup>1</sup> He was sentenced to twenty years' confinement and assessed a \$10,000 fine. By two issues, he challenges the assessment of \$4,600 for court-appointed attorney's fees and the assessment of a time-payment fee of \$15. The State has filed a letter representing it does not oppose the relief sought by Appellant

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<sup>1</sup> TEX. PENAL CODE ANN. § 33.021.

but notes that should Appellant seek further relief, it will file a response. We affirm the conviction but delete the complained-of amounts from the *Bill of Costs* dated October 12, 2022.

Once a criminal defendant has been found to be indigent, he is presumed to remain indigent for the remainder of the proceedings unless a material change in his financial resources occurs. See TEX. CODE CRIM. PROC. ANN. art. 26.04(p). See also *Mayer v. State*, 309 S.W.3d 552, 555–56 (Tex. Crim. App. 2010). Additionally, the assessment of a time-payment fee while an appeal is pending is premature. *Dulin v. State*, 620 S.W.3d 129, 132–33 (Tex. Crim. App. 2021); *Pruitt v. State*, 646 S.W.3d 879, 885-86 (Tex. App.—Amarillo 2022, no pet.). We agree with Appellant that the proper remedy is to delete the assessments.

#### CONCLUSION

The trial court's judgment is affirmed; however, the *Bill of Costs* is reformed to delete the assessment of court-appointed attorney's fees of \$4,600 and the assessment of the time-payment fee of \$15. The trial court clerk is ordered to issue an amended *Bill of Costs* and then to deliver a copy of same to this Court and to the Texas Department of Criminal Justice.

Alex L. Yarbrough  
Justice

Do not publish.