



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

No. 07-22-00281-CR

GEOFFREY NATHAN LOWRY, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

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

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.¹ 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

¹ 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Do not publish.