



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

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No. 06-21-00004-CR

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CURTIS ANTHONY CROWE, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 124th District Court  
Gregg County, Texas  
Trial Court No. 48653-B

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

## MEMORANDUM OPINION

On December 17, 2020, Curtis Anthony Crowe pled guilty to aggravated assault with a deadly weapon.<sup>1</sup> The trial court accepted Crowe's plea, found him guilty of the charged offense, and sentenced him to fifteen years' incarceration. Crowe appeals.<sup>2</sup>

Crowe's appellate counsel filed a brief that outlined the procedural history of the case, provided a detailed summary of the evidence elicited during the trial court proceedings, and stated that counsel found no meritorious issues to raise on appeal. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978).

Crowe's counsel filed a motion with this Court seeking to withdraw as counsel in this appeal and provided Crowe with a copy of the brief and the motion to withdraw. His counsel also informed Crowe of his right to review the record<sup>3</sup> and file a pro se response. On July 2, 2021, this Court notified Crowe that, if he wished to file a pro se response to his counsel's *Anders* brief, any such response was due on or before August 2, 2021. We received neither a

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<sup>1</sup>See TEX. PENAL CODE ANN. § 22.02.

<sup>2</sup>In the same proceeding Crowe pled guilty to another aggravated assault with deadly weapon case. Please see our opinion in cause number 06-21-00005-CR.

<sup>3</sup>Counsel sent Crowe a copy of the reporter's and clerk's records.

pro se response from Crowe nor a motion requesting an extension of time in which to file such a response.

We have determined that this appeal is wholly frivolous. We have reviewed the entire appellate record and have independently determined that no reversible error exists. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). However, in *Anders* cases, appellate courts “have the authority to reform judgments and affirm as modified in cases where there is non reversible error.” *Ferguson v. State*, 435 S.W.3d 291, 294 (Tex. App.—Waco 2014, pet. struck) (comprehensively discussing appellate cases that have modified judgments in *Anders* cases). The record shows that the judgment and bill of costs assessed Crowe a time-payment fee of \$15.00.

The Texas Court of Criminal Appeals has recently concluded that a time-payment fee like the one imposed here “must indeed be struck for being prematurely assessed because a defendant’s appeal suspends the duty to pay court costs and therefore suspends the running of the clock for the purposes of the time payment fee.” *Dulin v. State*, 620 S.W.3d 129, 129 (Tex. Crim. App. 2021). “As a consequence, even now, assessment of the time payment fee in this case would be premature because appellate proceedings are still pending.” *Id.* Pursuant to *Dulin*, we strike the time payment fee “in [its] entirety, without prejudice to [it] being assessed later if, more than 30 days after the issuance of the appellate mandate, the defendant has failed to completely pay any fine, court costs, or restitution” owed. *Id.*

We modify the bill of costs by deleting the time-payment fee.

In the *Anders* context, once we determine that the appeal is without merit, we must either dismiss the appeal or affirm the trial court's judgment. *See Anders*, 386 U.S. 738. Therefore, we affirm the judgment of the trial court, as modified.<sup>4</sup>

Scott E. Stevens  
Justice

Date Submitted: September 7, 2021  
Date Decided: October 14, 2021

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<sup>4</sup>Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of Appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should Appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, Appellant must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.