



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

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No. 06-22-00039-CR

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TREMAYNE DOUGLAS WARE, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 202nd District Court  
Bowie County, Texas  
Trial Court No. 21F1138-202

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Before Stevens, C.J., van Cleef and Rambin, JJ.  
Memorandum Opinion by Chief Justice Stevens

## MEMORANDUM OPINION

A Bowie County jury found Tremayne Douglas Ware guilty of murdering his wife, a first-degree felony. *See* TEX. PENAL CODE ANN. § 19.02(b)(2). After he pled true to the State’s punishment enhancement allegations, the jury assessed a sentence of life imprisonment. Ware appeals.<sup>1</sup>

Ware’s attorney has filed a brief stating that he has reviewed the record and has found no genuinely arguable issues that could be raised on appeal. The brief sets out the procedural history of the case and summarizes the evidence elicited during the course of the trial court proceedings. Since counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced, that evaluation meets the requirements of *Anders v. California*. *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). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

On August 24, 2022, counsel mailed to Ware copies of the brief, the appellate record, and the motion to withdraw. Ware was informed of his rights to review the record and file a pro se response. Ware filed a pro se response arguing (1) that the trial court erred by admitting

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<sup>1</sup>In our companion cause numbers 06-22-00038-CR and 06-22-00040-CR, Ware appeals his convictions and life sentences for aggravated family violence assault with a deadly weapon causing serious bodily injury and endangering a child.

extraneous-offense evidence and (2) that the verdict was not supported by legally sufficient evidence.

We have reviewed the entire appellate record and Ware's pro se response 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, non-reversible error is found in the trial court's judgment and bill of costs.

The State filed two punishment enhancement allegations. Although the trial court's judgment indicates there were no enhancement allegations, the reporter's record demonstrates that Ware pled true to both punishment enhancement allegations. "We have the authority to modify the judgment to make the record speak the truth." *Minter v. State*, 570 S.W.3d 941, 944 (Tex. App.—Texarkana 2019, no pet.) (citing TEX. R. APP. P. 43.2(b); *French v. State*, 830 S.W.2d 607, 609 (Tex. Crim. App. 1992); *Rhoten v. State*, 299 S.W.3d 349, 356 (Tex. App.—Texarkana 2009, no pet.)). Consequently, we modify the trial court's judgment to show that Ware pled true to both punishment enhancement paragraphs.

Next, Article 102.073 of the Texas Code of Criminal Procedure states, "In a single criminal action in which a defendant is convicted of two or more offenses . . . , the court may assess each court cost or fee only once against the defendant." TEX. CODE CRIM. PROC. ANN. art. 102.073(a). The Article further states that "each court cost or fee the amount of which is determined according to the category of offense must be assessed using the highest category of offense that is possible based on the defendant's convictions." TEX. CODE CRIM. PROC. ANN. art. 102.073(b). Here, Ware was convicted of this offense and another first-degree-felony offense in

companion cause number 06-22-00038-CR in the same criminal action. Because the same court costs and fees imposed in this case were already assessed against Ware in cause number 06-22-00038-CR, we must delete the duplicative court costs in this case.

We modify the clerk's bill of costs and the trial court's judgment by deleting \$290.00 in duplicative court costs and \$10.00 in duplicative reimbursement fees. We further modify the trial court's judgment to reflect that Ware pled true to both punishment enhancement allegations.

As modified, we affirm the judgment of the trial court.<sup>2</sup>

Scott E. Stevens  
Chief Justice

Date Submitted: December 27, 2022  
Date Decided: January 26, 2023

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<sup>2</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, he 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.