



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

No. 06-23-00028-CR

SHARDA JAMES AKA SHARNDA JAMES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 102nd District Court
Bowie County, Texas
Trial Court No. 21F0648-102

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

MEMORANDUM OPINION

A Bowie County jury convicted Sharda James aka Sharnda James of the first-degree-felony offense of aggravated robbery,¹ and the trial court sentenced him to twelve years' imprisonment.² James appeals.

James's appellate counsel has filed a brief stating that he reviewed the record and 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 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 or about May 18, 2023, counsel mailed to James copies of the brief, the appellate record, and the motion to withdraw. Counsel informed James of his rights to review the record and to file a pro se response. By letter dated May 18, 2023, this Court notified James that his pro se response to counsel's brief was due on or before June 19, 2023. By letter dated June 27, 2023, we notified James that the case would be submitted on briefs on July 18, 2023. James

¹See TEX. PENAL CODE ANN. § 29.03.

²The trial court also fined James \$3,000.00 and ordered him to pay court costs.

filed neither a pro se response nor a motion requesting an extension of time in which to file such a response.

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, the record shows that the bill of cost assessed James 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.* at 133. We modify the bill of cost by deleting the time payment fee.

We affirm the judgment of the trial court.³

Scott E. Stevens
Chief Justice

Date Submitted: July 18, 2023
Date Decided: August 4, 2023

Do Not Publish

³Since 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.