

FOURTEENTH COURT OF APPEALS OF TEXAS

Trumaine Marke Williams v. State

Williams v. State · No. 14-15-00262-CR · Decided December 15, 2015

SUMMARY

The Fourteenth Court of Appeals of Texas affirmed a conviction for aggravated robbery after reviewing counsel's Anders brief and finding no reversible error. The court reformed the judgment to delete \$7,604.48 in court-appointed attorneys' fees because the record did not show a material change in the indigent appellant's financial circumstances.

CASE DETAILS

COURT	Fourteenth Court of Appeals of Texas
WRITING FOR THE COURT	Per Curiam; Chief Justice Frost; Justice Christopher; Justice Donovan
JURISDICTION	Texas
DECIDED	December 15, 2015
DOCKET	14-15-00262-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant appealed his aggravated-robbery conviction. Appointed appellate counsel filed an Anders brief asserting that the appeal was wholly frivolous. The court independently reviewed the record, reformed the judgment to delete improperly assessed attorney's fees, and affirmed the judgment as reformed.
STANDARD OF REVIEW	In an Anders appeal, the appellate court independently reviews the record and counsel's brief for arguable grounds and reversible error. The court may reform the judgment when the record supports a ministerial correction.
PRECEDENTIAL VALUE	Unpublished, nonprecedential memorandum opinion; designated Do Not Publish under Tex. R. App. P. 47.2(b).
PARTIES	Trumaine Marke Williams v. The State of Texas

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QUESTIONS PRESENTED

1. Whether the record supported the assessment of attorney's fees against an appellant who had been found indigent and appointed counsel.
2. Whether the court of appeals should affirm the conviction after reviewing an Anders brief finding no arguable grounds for appeal.
3. Whether the judgment could be reformed in the Anders appeal without abating the appeal for appointment of new counsel.

HOLDINGS

1. The assessment of \$7,604.48 in attorney's fees was improper because the record contained no factual determination that Williams's financial circumstances had materially changed or that he had resources to repay the costs of appointed counsel.
2. When an Anders appeal presents no arguable grounds and the judgment can be corrected by reformation, the appellate court need not abate the appeal for appointment of new counsel.
3. The appeal was wholly frivolous and without merit, and the record disclosed no reversible error.

KEY QUOTATIONS

“Once found indigent, appellant is presumed to have remained indigent for the remainder of the proceedings absent a factual determination of a material change in his financial circumstances.” (at 2)

“Accordingly, the judgment of the trial court is affirmed, as reformed to delete the assessment of attorneys’ fees in the amount of \$7,604.48.” (at 3)

FACTUAL BACKGROUND

Williams was convicted of aggravated robbery and was represented by appointed counsel after filing an affidavit of indigence. The trial court assessed \$7,604.48 in attorney’s fees against him, but the record contained no finding that his financial circumstances had materially changed or that he had resources to repay the costs of appointed counsel.

PROCEDURAL HISTORY

The 300th District Court of Brazoria County convicted Williams of aggravated robbery and assessed \$7,604.48 in attorney's fees against him. Williams had been found indigent and had received appointed counsel. On appeal, counsel filed an Anders brief, Williams was advised of his right to file a pro se response, and no response was filed within more than 60 days. The Fourteenth Court of Appeals reformed the judgment to delete the attorney's-fee assessment and affirmed it as reformed.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *High v. State*, 573 S.W.2d 807, 811–13 (Tex. Crim. App. 1978)
- *Stafford v. State*, 813 S.W.2d 503, 512 (Tex. Crim. App. 1991)
- *Cates v. State*, 402 S.W.3d 250, 251–52 (Tex. Crim. App. 2013)
- *Ferguson v. State*, 435 S.W.3d 291, 295 (Tex. App.—Waco 2014, no pet.)
- *Bray v. State*, 179 S.W.3d 725, 730 (Tex. App.—Fort Worth 2005, no pet.)
- *Getts v. State*, 155 S.W.3d 153, 155 (Tex. Crim. App. 2005)
- *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005)

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