

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Tydran Provo v. The State of Texas

No. 07-25-00309-CR · No. No. 07-25-00309-CR · Decided February 18, 2026

SUMMARY

The Seventh Court of Appeals of Texas reviewed an Anders appeal from a judgment adjudicating Tydran Provo guilty of disclosing or threatening to disclose intimate visual material. The court granted appointed counsel’s motion to withdraw, affirmed the judgment, and modified the bill of costs by deleting a \$15 time-payment fee and \$680 in court-appointed attorney’s fees. The opinion was designated not for publication.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Judy C. Parker, Chief Justice; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	February 18, 2026
DOCKET	No. 07-25-00309-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment adjudicating guilt after the trial court found true allegations that appellant violated conditions of deferred-adjudication community supervision. Appointed appellate counsel filed an Anders motion to withdraw and brief.
STANDARD OF REVIEW	In an Anders appeal, the appellate court independently examines the record for arguable, preserved, non-frivolous grounds for reversal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tydran Provo v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- remedies
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Anders record contained any preserved, non-frivolous issue warranting reversal of the judgment adjudicating guilt or sentence.
2. Whether the judgment and bill of costs should be modified to delete a prematurely assessed \$15 time-payment fee.
3. Whether the assessment of \$680 in court-appointed attorney's fees should be deleted because appellant was indigent and the trial court made no express finding of a material change in financial circumstances.

HOLDINGS

1. After independently examining the record and counsel's Anders brief, the court found no preserved, non-frivolous ground that would support reversal of appellant's conviction or sentence.
2. A \$15 time-payment fee assessed while the appeal remained pending was premature and had to be deleted from the bill of costs.
3. The \$680 assessment of court-appointed attorney's fees had to be deleted because appellant was indigent and the trial court did not expressly find a material change in his financial circumstances.

KEY QUOTATIONS

“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.” (at 3)

“As a consequence, even now, assessment of the time payment fee in this case would be premature because appellate proceedings are still pending.” (at 3)

FACTUAL BACKGROUND

In June 2024, Tydran Provo pleaded guilty to disclosing or threatening to disclose intimate visual material, a state jail felony. The trial court deferred adjudication and placed him on five years of community supervision. In 2025, the State alleged that Provo violated four supervision conditions, and he pleaded true to all allegations. The trial court adjudicated him guilty and imposed twelve months' confinement; the appellate record also contained a \$15 time-payment fee and \$680 in court-appointed attorney's fees.

PROCEDURAL HISTORY

Appellant pleaded guilty to disclosing or threatening to disclose intimate visual material. The trial court deferred adjudication and placed him on five years of community supervision. After the State filed a petition to proceed to adjudication, appellant pleaded true to four alleged supervision violations; the trial court adjudicated him guilty and sentenced him to twelve months' confinement. On appeal, the court independently reviewed the record, granted counsel's Anders motion to withdraw, modified the judgment to delete specified costs, and affirmed as modified.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The judgment was modified to delete the \$15 time-payment fee and \$680 in court-appointed attorney's fees. The judgment was then affirmed as modified. Appointed counsel was directed to send appellant the opinion and judgment and notify him of his right to file a pro se petition for discretionary review within five days after the opinion was handed down.

CASES CITED

- Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- In re Schulman, 252 S.W.3d 403, 406, 409, 411 n.33 (Tex. Crim. App. 2008)
- High v. State, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978)
- Kelly v. State, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014)
- Penson v. Ohio, 488 U.S. 75, 80 (1988)
- Gainous v. State, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969)
- Dulin v. State, 620 S.W.3d 129, 129 (Tex. Crim. App. 2021)
- Woodard v. State, No. 07-23-00377-CR, 2024 Tex. App. LEXIS 4642, at *9-10 (Tex. App.—Amarillo July 2, 2024, no pet.) (mem. op., not designated for publication)

OPINION

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-25-00309-CR TYDRAN PROVO, APPELLANT V. THE STATE OF TEXAS, APPELLEE On Appeal from the 297th District Court Tarrant County, Texas 1 Trial Court No. 1796988, Honorable Amy Allin, Presiding February 18, 2026 MEMORANDUM OPINION Before PARKER, C.J., and DOSS and YARBROUGH, JJ. In June of 2024, Appellant, Tydran Provo, entered a guilty plea to disclosing or threatening to disclose intimate visual material, a state jail felony.

2 The trial court deferred a finding of guilt and placed him on deferred adjudication community supervision for a 1 This cause was originally filed in the Second Court of Appeals. It was transferred to this Court by a docket-equalization order of the Supreme Court of Texas. See TEX. GOV'T CODE § 73.001.

In the event of any conflict, we apply the transferor court's case law. TEX. R. APP. P. 41.3. 2 See TEX. PENAL CODE § 21.16. period of five years. In June of 2025, the State filed its first amended second petition to proceed to adjudication of guilt. 3 The State alleged Appellant failed to comply with four conditions of his community supervision order, namely the requirements to successfully complete a sexual misconduct program, to complete counseling, to submit non-

diluted urine samples for testing, and to report to the community supervision department as instructed.

Appellant pleaded “true” to all of the allegations. After presentation of the evidence, the trial court found the allegations to be true, adjudicated Appellant guilty, and sentenced him to twelve months’ confinement. Appellant timely appealed from the judgment adjudicating his guilt. Appellant’s court-appointed appellate counsel has filed a motion to withdraw supported by an Anders 4 brief.

We grant counsel’s motion and affirm the judgment as modified herein. In support of his motion to withdraw, counsel has certified that he has conducted a conscientious examination of the record and, in his opinion, the record reflects no reversible error upon which an appeal can be predicated. *Id.* at 744; *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App.

2008). In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978), counsel has discussed why, under the controlling authorities, the record presents no reversible error. In a letter to Appellant, counsel notified him of the motion to withdraw; provided him with a copy of the motion, Anders brief, and motion to access the appellate record; and informed him of his right to file a pro se response.

See *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 3 The State dismissed its first petition to proceed to adjudication. 4 See *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). 2 2014) (specifying appointed counsel’s obligations on the filing of a motion to withdraw supported by an Anders brief). By letter, this Court also advised Appellant of his right to file a pro se response to counsel’s Anders brief.

Appellant has not filed a response. The State has not filed a brief. By his Anders brief, counsel discusses areas in the record where reversible error may have occurred but concludes that the appeal is frivolous. We have independently examined the record to determine whether there are any non-frivolous issues that were preserved in the trial court which might support an appeal, but we have found no such issues except for those addressed below.

See *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *In re Schulman*, 252 S.W.3d at 409; *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Following our careful review of the appellate record and counsel’s brief, we conclude that there are no grounds for appellate review that would result in reversal of Appellant’s conviction or sentence.

In our review of the record, we discovered that the bill of costs dated September 8, 2025, includes a time payment fee of \$15 assessed against Appellant. The Texas Court of Criminal Appeals has concluded that a time payment fee such as 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. 3 Additionally, our review revealed the final bill of costs includes the assessment of \$680 for court-appointed attorney’s fees, despite a determination that Appellant is indigent and unable to pay such fees.

5 Given the trial court did not expressly find a material change in Appellant’s financial circumstances, Appellant is presumed to remain indigent, and the assessment of those attorney’s fees also must be deleted from the bill of costs. See *Woodard v. State*, No. 07-23-00377-CR, 2024 Tex. App. LEXIS 4642, at *9–10 (Tex. App.—Amarillo July 2, 2024, no pet.) (mem. op., not designated for publication) (when there is no evidence that defendant can pay court-appointed attorney’s fees, proper remedy is to reform judgment by deleting provision to repay such fees).

Accordingly, we modify the judgment to delete the assessment of the \$15 time payment fee and \$680 in court-appointed attorney’s fees. We affirm the trial court’s judgment as modified and grant counsel’s motion to withdraw. 6 Judy C. Parker Chief Justice Do not publish. 5 We note that Appellant’s acceptance of the conditions of community supervision, dated June 4, 2024, included an agreement to pay “ATTORNEY FEE in the amount of TBD.” The bill of costs dated June 13, 2024, included an assessment of \$730 in attorney’s fees.

However, the origin of the \$680 assessment of attorney’s fees is not made clear in the record before us. 6 Counsel shall, within five days after the opinion is handed down, send Appellant a copy of the opinion and judgment, along with notification of Appellant’s right to file a pro se petition for discretionary review. See TEX. R. APP. P. 48.4. This duty is an informational one, not a representational one.

It is ministerial in nature, does not involve legal advice, and exists after the court of appeals has granted counsel’s motion to withdraw. In re Schulman, 252 S.W.3d at 411 n.33. 4