

FOURTH COURT OF APPEALS OF TEXAS AT SAN ANTONIO

Anthony Moore v. Jo Ann Moore

No. 04-24-00367-CV (Tex. App.—San Antonio Feb. 25, 2026) (mem. op.) · No. No. 04-24-00367-CV · Decided February 25, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio affirmed a final divorce decree dividing the marital estate and awarding spousal maintenance. Because the appellant failed to request and pay for the reporter’s record, the court presumed that the evidence supported the trial court’s judgment and overruled his challenges to the property division, maintenance award, and related findings.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas at San Antonio
WRITING FOR THE COURT	Velia J. Meza, Justice; Rebeca C. Martinez, Chief Justice; H. Todd McCray, Justice
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	February 25, 2026
DOCKET	No. 04-24-00367-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anthony Moore appealed a final decree of divorce challenging the grounds for divorce, division and characterization of marital property, calculation of federal military retirement benefits, spousal maintenance, and the sufficiency of the evidence. The court of appeals affirmed because Moore failed to provide a reporter's record needed to review his issues.
STANDARD OF REVIEW	A trial court's division of the marital estate is reviewed for abuse of discretion. The appellate court presumes that the trial court properly exercised its discretion. Without a reporter's record, the appellate court must presume that the evidence supports the judgment and cannot review evidentiary sufficiency or determine whether alleged error was harmful.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	Anthony Moore v. Jo Ann Moore

TOPICS

divorce equitable distribution spousal support appellate procedure standard of review

PRACTICE AREAS

family law appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the appellate court could review Moore's challenges to the grounds for divorce, spousal maintenance, characterization and division of property, calculation of federal military retirement benefits, and evidentiary sufficiency without a reporter's record.
2. Whether the trial court abused its discretion in dividing the marital estate.
3. Whether any alleged mischaracterization of property or other legal error warranted reversal absent a reporter's record demonstrating harm.

HOLDINGS

1. When an appellant fails to provide a reporter's record necessary to review the evidence supporting the judgment, the appellate court must presume that the evidence supports the trial court's judgment and cannot review evidentiary sufficiency or alleged harmful error.
2. The judgment could not be reversed on Moore's challenges to the division of the marital estate because the missing reporter's record required the court to presume that the evidence supported the trial court's determinations.

KEY QUOTATIONS

“Without a reporter’s record, we must presume that the evidence presented supports the trial court’s judgment.” (at 3)

“Each of Anthony’s complaints require evidence to review on appeal—either because the complaint challenges evidence directly or because, even if we assume error, Anthony must show the error was harmful.” (at 4)

FACTUAL BACKGROUND

Anthony and Jo Ann Moore married in 2003 and divorced after approximately two decades of marriage. The trial court entered temporary orders requiring Anthony to pay Jo Ann \$500 per month in temporary spousal maintenance and governing the parties' use of certain property. After the final hearing, the court divided the marital estate, including federal military retirement benefits, vehicles, personal effects, furnishings, cash, bank accounts, debts, and spousal maintenance. Although a court reporter was present, Anthony did not request or pay for the reporter's record on appeal.

PROCEDURAL HISTORY

Anthony and Jo Ann Moore married in 2003. Jo Ann filed for divorce, and Anthony filed a pro se divorce petition. After a temporary orders hearing, the trial court ordered temporary spousal maintenance and entered property-use orders. Following a December 13, 2023 final hearing at which a court reporter was present, the County Court of Atascosa County signed a final decree dividing the marital estate and awarding spousal maintenance to Jo Ann. On appeal, Moore declined to request and pay for the reporter's record despite notice from the appellate court, and the court affirmed.

DISPOSITION

affirmed

CASES CITED

- Murff v. Murff, 615 S.W.2d 696, 698 (Tex. 1981)
- Nunez v. Nunez, No. 04-22-00362-CV, 2024 WL 3054038, at *1 (Tex. App.—San Antonio June 20, 2024, pet. denied) (mem. op.)
- Attaguile v. Attaguile, 584 S.W.3d 163, 176 (Tex. App.—El Paso 2018, no pet.)
- Christiansen v. Prezelski, 782 S.W.2d 842, 843 (Tex. 1990)
- Simon v. York Crane & Rigging Co., 739 S.W.2d 793, 795 (Tex. 1987)
- Willms v. Americas Tire Co., Inc., 190 S.W.3d 796, 803 (Tex. App.—Dallas 2006, pet. denied)
- Sandoval v. Commission for Lawyer Discipline, 25 S.W.3d 720, 722 (Tex. App.—Houston [14th Dist.] 2000, pet. denied)
- Englander Co. v. Kennedy, 428 S.W.2d 806, 807 (Tex. 1968)