

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Bradley Allen Everline v. the State of Texas

No. 01-25-00148-CR · No. 01-25-00148-CR · Decided May 12, 2026

SUMMARY

The Texas Court of Appeals for the First District held that the \$100 Child Abuse Prevention Fine was improperly included in Bradley Allen Everline’s written judgment because the fine was not orally pronounced at sentencing. The court modified the judgment to strike the fine and affirmed the judgment as modified.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Terry Adams, Chief Justice; Justice Guerra; Justice Guiney
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	May 12, 2026
DOCKET	01-25-00148-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Everline appealed his judgment of conviction for indecency with a child by sexual contact, challenging the inclusion of a \$100 Child Abuse Prevention Fine in the written judgment because the fine was not orally pronounced at sentencing.
STANDARD OF REVIEW	The appellate court reviewed the written judgment and oral pronouncement of sentence under the rule that the oral pronouncement controls when it conflicts with the written judgment. It also exercised its authority to modify and reform the judgment when the necessary information was available.
PRECEDENTIAL VALUE	Nonprecedential; the opinion is designated 'Do Not Publish' under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Bradley Allen Everline v. The State of Texas

TOPICS

- criminal procedure
- sentencing
- statutory interpretation
- appellate procedure
- remedies

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

sentencing

QUESTIONS PRESENTED

1. Whether the Child Abuse Prevention Fine was classified as a fine rather than a court cost because Everline was convicted after the effective date of the Cost Act.
2. Whether the \$100 Child Abuse Prevention Fine had to be orally pronounced at sentencing and should be stricken from the written judgment because it was not orally pronounced.
3. Whether the Court of Appeals had authority to modify the judgment to remove the improperly included fine.

HOLDINGS

1. Because Everline was convicted after the Cost Act's effective date, the Act's provisions reclassifying the Child Abuse Prevention Fee as a fine rather than a court cost applied to his case, even though he committed the offense before the effective date.
2. A fine is part of a defendant's sentence and must be orally pronounced in the defendant's presence. When the written judgment conflicts with the oral pronouncement, the oral pronouncement controls; therefore, the \$100 fine was improperly included in the written judgment because it was not orally pronounced.
3. The Court of Appeals may modify and reform a judgment when the necessary information is available, including by striking a fine that was improperly included in the written judgment.

KEY QUOTATIONS

“When there is a conflict between the oral pronouncement of sentence and the sentence in the written judgment, the oral pronouncement controls.” (at 2)

“Therefore, we hold that, because the trial court did not orally pronounce a fine as part of Everline’s sentence and the oral pronouncement controls over the judgment, the \$100 Child Abuse Prevention Fine was improperly included in the written judgment.” (at 3)

FACTUAL BACKGROUND

A jury convicted Bradley Allen Everline of indecency with a child by sexual contact. The offense was committed in 2018, before the January 1, 2020 effective date of the Cost Act, but Everline was convicted on February 7, 2025, after the Act's effective date. The trial court sentenced him to fifteen years in prison after finding one enhancement paragraph true and included a \$100 Child Abuse Prevention Fine in the written judgment, although the fine was not orally pronounced at sentencing.

PROCEDURAL HISTORY

A jury convicted Everline of indecency with a child by sexual contact. After finding one enhancement paragraph true, the 339th District Court of Harris County sentenced him to fifteen years in prison and included a \$100 Child Abuse Prevention Fine in the written judgment. Everline appealed, and the State agreed that the fine

should be removed. The Court of Appeals modified the judgment to strike the fine and affirmed the judgment as modified.

DISPOSITION

affirmed

CASES CITED

- Rodriguez v. State, No. 01-23-00721-CR, 2025 WL 1373693, at *15-16 (Tex. App.—Houston [1st Dist.] May 13, 2025, pet. ref'd)
- Bradshaw v. State, 707 S.W.3d 412, 416-20 (Tex. Crim. App. 2024)
- Anastassov v. State, 664 S.W.3d 815, 820 (Tex. Crim. App. 2022)
- Armstrong v. State, 340 S.W.3d 759, 767 (Tex. Crim. App. 2011)
- Taylor v. State, 131 S.W.3d 497, 500 (Tex. Crim. App. 2004)
- Bigley v. State, 865 S.W.2d 26, 27-28 (Tex. Crim. App. 1993)
- French v. State, 830 S.W.2d 607, 609 (Tex. Crim. App. 1992)

OPINION

Bradley Allen Everline v. the State of Texas

PER CURIAM.

Opinion issued May 12, 2026 In The Court of Appeals For The First District of Texas

NO. 01-25-00148-CR

BRADLEY ALLEN EVERLINE, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 339th District Court Harris County, Texas Trial Court Case No. 1712878

MEMORANDUM OPINION

A jury convicted Bradley Allen Everline of indecency with a child by sexual contact.¹ After finding one enhancement paragraph true, the trial court sentenced Everline to 15 years in prison. ¹ See TEX. PENAL CODE § 21.11(a)(1). In one issue, Everline argues that the \$100 Child Abuse Prevention Fine should be stricken from the trial court's judgment because it is a fine that was not orally pronounced by the trial court at sentencing. The State agrees, as do we. Accordingly, we modify the trial court's judgment to remove the Child Abuse Prevention Fine and affirm the judgment as modified. Child Abuse Prevention Fine The \$100 fine of which Everline complains—the Child Abuse Prevention Fine—was assessed by the trial court pursuant to article 102.0186. TEX. CODE CRIM. PROC. art. 102.0186. The “Cost Act,” which became effective on January 1, 2020, amended this article to, among other things, reclassify this \$100 fee as a fine, rather than a court cost. See Act of May 23, 2019, 86th Leg., R.S., ch. 1352, §§ 2.40, 5.04, 2019 Tex. Gen. Laws 3981, 4006, 4035; see also Rodriguez v. State, — S.W.3d —, No. 01-23-00721-CR, 2025 WL 1373693, at *15–16 (Tex. App.—Houston [1st Dist.] May 13, 2025, pet. ref'd). Although Everline committed the offense of indecency with a child in 2018—before the effective date of the

Cost Act—he was convicted after its effective date, on February 7, 2025. Because he was convicted after the effective date of the Cost Act, its provisions reclassifying the Child Abuse Prevention Fee as a fine rather than a court cost apply here. See *Bradshaw v. State*, 707 S.W.3d 412, 416–20 (Tex. Crim. App. 2024); *Rodriguez*, 2025 WL 1373693, at *15–16.

2 Fines, unlike court costs, are punitive in nature and are therefore properly included in a defendant’s sentence. See *Anastassov v. State*, 664 S.W.3d 815, 820 (Tex. Crim. App. 2022). And a defendant’s sentence, which includes any fine imposed, must be orally pronounced in the defendant’s presence. See *Armstrong v. State*, 340 S.W.3d 759, 767 (Tex. Crim. App. 2011); *Taylor v. State*, 131 S.W.3d 497, 500 (Tex. Crim. App. 2004). “When there is a conflict between the oral pronouncement of sentence and the sentence in the written judgment, the oral pronouncement controls.” *Taylor*, 131 S.W.3d at 500. Here, there is no dispute that Everline’s conviction occurred after the effective date of the Cost Act, meaning that the Child Abuse Prevention Fine is classified as a fine and should have been orally pronounced at sentencing. See *Rodriguez*, 2025 WL 1373693, at *16. It was not. Therefore, we hold that, because the trial court did not orally pronounce a fine as part of Everline’s sentence and the oral pronouncement controls over the judgment, the \$100 Child Abuse Prevention Fine was improperly included in the written judgment. See *id.* We have the authority to modify and reform a judgment when the necessary information is available to do so. TEX. R. APP. P. 43.2(b); see *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *French v. State*, 830 S.W.2d 607, 609 (Tex. Crim. App. 1992). Because the Child Abuse Prevention Fine was not orally 3 pronounced by the trial court at sentencing, we modify the trial court’s judgment to strike this \$100 fine. Conclusion We affirm the trial court’s judgment of conviction as modified. Terry Adams Chief Justice Panel consists of Chief Justice Adams and Justices Guerra and Guiney. Do Not Publish. TEX. R. APP. P. 47.2(b). 4