

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

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 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