

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Frank Valdemirov Toledo v. The State of Texas

Toledo v. State · No. Nos. 07-24-00411-CR, 07-24-00412-CR · Decided March 12, 2026

SUMMARY

The Seventh District Court of Appeals of Texas reviewed Frank Valdemirov Toledo’s convictions for possession of child pornography and possession with intent to promote child pornography. After independently reviewing the record and considering counsel’s Anders brief and Toledo’s pro se response, the court found no arguable grounds for reversal, affirmed the trial court’s judgments, and granted counsel’s motions to withdraw.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Lawrence M. Doss; Parker, C.J.; Lawrence M. Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	March 12, 2026
DOCKET	Nos. 07-24-00411-CR, 07-24-00412-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Toledo appealed convictions for seven counts of possession with intent to promote child pornography and twelve counts of possession of child pornography. Court-appointed counsel filed an Anders brief and a motion to withdraw. Toledo filed a pro se response.
STANDARD OF REVIEW	Independent review of the record in an Anders appeal to determine whether any arguable grounds for reversal exist.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; the opinion states, "Do not publish."
PARTIES	Frank Valdemirov Toledo v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether appointed counsel's Anders brief satisfied the applicable requirements.
2. Whether independent review of the record disclosed any arguable grounds for reversal.
3. Whether Toledo's pro se response identified an arguable appellate issue warranting relief.

HOLDINGS

1. The Anders brief satisfied the applicable requirements because counsel provided a professional evaluation of the record, explained why no arguable grounds for appeal existed, and included references to the facts, procedural history, and pertinent legal authorities.
2. Independent review of the record disclosed no arguable issues requiring reversal, and the trial court's judgments and convictions were affirmed.
3. Toledo's pro se response did not identify an arguable appellate error because it merely reasserted the alternative-perpetrator defense rejected by the jury.

KEY QUOTATIONS

"We conducted our own independent review of the record and found no arguable issues." (at 3)

"Accordingly, we affirm the trial court's judgments and grant counsel's motions to withdraw." (at 3)

FACTUAL BACKGROUND

The State presented evidence that Toledo downloaded child pornography images and videos to his phone and laptop and sent at least seven videos to an unknown recipient. Toledo acknowledged in a recorded law-enforcement interview that child pornography was sometimes sent to him but claimed he deleted it. At trial, he testified that someone else must have downloaded the material onto his devices, but the jury rejected that defense and found him guilty on all counts.

PROCEDURAL HISTORY

Two indictments charged Toledo with nineteen offenses. Following a jury trial, the jury found him guilty on all counts, and the trial court imposed an aggregate sentence of fifty years' confinement followed by ten years of community supervision. On appeal, appointed counsel filed an Anders brief concluding that no arguable grounds for reversal existed. The appellate court independently reviewed the record, considered Toledo's pro se response, affirmed the judgments, and granted counsel's motions to withdraw.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- *In re Schulman*, 252 S.W.3d 403, 406–12 (Tex. Crim. App. 2008) (orig. proceeding)
- *Davis v. State*, 683 S.W.3d 828, 829–30 (Tex. App.—Amarillo 2023, no pet.)
- *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005)

OPINION

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-24-00411-CR No. 07-24-00412-CR FRANK VALDEMIROY TOLEDO, APPELLANT V. THE STATE OF TEXAS, APPELLEE On Appeal from the 251st District Court Randall County, Texas Trial Court No. 33038C, 34171C, Honorable Ana Estevez, Presiding March 12, 2026 MEMORANDUM OPINION Before PARKER, C.J., and DOSS and YARBROUGH, JJ. Appellant, Frank Valdemiro Toledo, appeals from his convictions for possession of child pornography and possession with intent to promote child pornography.¹ His court-appointed counsel filed an *Anders*² brief concluding that the appeals present no arguable 1 See TEX. PENAL CODE § 43.26(d), (e).

2 See *Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). grounds for reversal. Having independently reviewed the record, we agree with counsel’s assessment and affirm the trial court’s judgments and multiple convictions of possession with the intent to promote child pornography. Two separate indictments charged Appellant with nineteen offenses: seven for possession with intent to promote child pornography and twelve for possession of child pornography.

At trial, the State presented evidence that Appellant downloaded child pornography images and videos to his phone and laptop computer and sent at least seven videos to an unknown recipient. There was no dispute that the images and videos constituted child pornography or that they were found on Appellant’s devices.

In a recorded interview with law enforcement, Appellant acknowledged that child pornography was sometimes sent to him but claimed he deleted it. Appellant testified in his own defense, asserting that someone else must have downloaded the material onto his devices.

The jury rejected this defense and found him guilty on all counts. The trial court sentenced him to an aggregate of fifty years of confinement followed by ten years of community supervision. Counsel’s brief meets the requirements of *Anders* by presenting a professional evaluation of the record and explaining why no arguable grounds for appeal exist. See *In re Schulman*, 252 S.W.3d 403, 406–12 (Tex.

Crim. App. 2008) (orig. proceeding) (holding that “[i]n Texas, an *Anders* brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record

references to the facts and procedural history and set out pertinent legal authorities”); see also *Davis v. State*, 683 S.W.3d 828, 829–30 (Tex. App.—Amarillo 2023, no pet.) (accord).

2 Counsel also certified that he notified Appellant of the Anders filing, provided copies of the brief and motion to withdraw, informed Appellant of his right to file a pro se response and to seek discretionary review, and provided the appellate record. This Court notified Appellant of his right to respond. Appellant filed a pro se response raising claims of innocence and suggesting that others had access to his devices.

We have received and considered his response. We conducted our own independent review of the record and found no arguable issues. Appellant’s pro se response reasserts the same alternative-perpetrator defense that the jury rejected, and it does not identify any arguable appellate error. See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005).

Accordingly, we affirm the trial court’s judgments and grant counsel’s motions to withdraw.³ Lawrence M. Doss Justice Do not publish. 3 Counsel is ordered to send Appellant a copy of this opinion and judgment within five days and advise him of his right to file a petition for discretionary review. See TEX. R. APP. P. 48.4; see also *In re Schulman*, 252 S.W.3d at 411 n.35.