

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Dustin Lee Jones v. the State of Texas

No. 07-25-00386-CR (Tex. App.—Amarillo May 19, 2026) (mem. op.) · No. 07-25-00386-CR · Decided May 19, 2026

SUMMARY

The Seventh Court of Appeals of Texas considered an Anders appeal from the revocation of deferred adjudication community supervision and adjudication of guilt for continuous violence against the family. The court found no non-frivolous grounds for reversal, granted appointed counsel’s motion to withdraw, and affirmed the judgment as modified. The court deleted a premature time-payment fee and certain post-adjudication attorney’s fees, and ordered an amended bill of costs.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Alex Yarbrough; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	May 19, 2026
DOCKET	07-25-00386-CR
DISPOSITION	other
PROCEDURAL POSTURE	Anders appeal from the revocation of deferred-adjudication community supervision, adjudication of guilt, and ten-year sentence for continuous violence against the family. Appointed counsel moved to withdraw after filing an Anders brief, and the appellant filed a pro se response.
STANDARD OF REVIEW	In an Anders appeal, the appellate court independently examines the record, counsel's brief, and any pro se response to determine whether any nonfrivolous issue supports reversal.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; do not publish.
PARTIES	Dustin Lee Jones v. The State of Texas

TOPICS

- criminal procedure
- appellate procedure
- remedies
- restitution criminal

PRACTICE AREAS

Texas criminal appellate procedure

Anders appeals

deferred adjudication and revocation

court costs and appointed-counsel fees

QUESTIONS PRESENTED

1. Whether independent review under Anders revealed any nonfrivolous issue requiring reversal of Jones's conviction or sentence.
2. Whether the \$15 time-payment fee was prematurely assessed while the appeal was pending.
3. Whether the post-adjudication assessment of \$2,090 in court-appointed attorney's fees was supported by evidence of Jones's present ability to pay.
4. Whether the judgment and bill of costs should be reformed to delete the challenged fees and any provision for future collection.

HOLDINGS

1. After independently examining the record, counsel's brief, and Jones's response, the court found no plausible basis for reversal and granted counsel's motion to withdraw.
2. A time-payment fee assessed before appellate mandate issues is premature and must be deleted in its entirety, without prejudice to refiling when the fee becomes ripe.
3. The trial court may not order reimbursement of court-appointed attorney's fees without record evidence demonstrating the defendant's present financial resources and ability to pay. Because the record showed no material change in Jones's indigent status or present ability to pay, the \$2,090 post-adjudication assessment and any provision for its future collection had to be deleted.

KEY QUOTATIONS

“A trial court errs if it orders reimbursement of court-appointed attorney’s fees without record evidence demonstrating a defendant’s financial resources to offset the costs of legal services.” (at 4)

“Code of Criminal Procedure Article 26.05(g) requires a present determination of financial resources and does not allow speculation about possible future resources.” (at 4)

FACTUAL BACKGROUND

Jones pleaded guilty to continuous violence against the family and was placed on deferred-adjudication community supervision for three years. After the State alleged violations, Jones pleaded not true, but the trial court found the allegations true, revoked supervision, adjudicated him guilty, and sentenced him to ten years' imprisonment. The post-adjudication bill of costs included a \$15 time-payment fee and \$3,090 in attorney's fees, although the record did not show a present ability to pay court-appointed attorney's fees.

PROCEDURAL HISTORY

In December 2023, Jones pleaded guilty to continuous violence against the family and received three years of deferred-adjudication community supervision. The State later moved to proceed to adjudication. After Jones pleaded not true to the allegations, the trial court found them true, revoked supervision, adjudicated him guilty, and imposed a ten-year prison sentence. On appeal, appointed counsel filed an Anders brief and moved to withdraw; the court independently reviewed the record, found no nonfrivolous basis for reversal, and modified the judgment and bill of costs before affirming as modified.

DISPOSITION

other

REMAND INSTRUCTIONS

The district clerk must prepare and file an Amended Bill of Costs reflecting deletion of the \$15 time-payment fee, \$2,090 in post-adjudication attorney's fees, and any provision for future collection of those fees, and provide copies to the court, Jones, and the Texas Department of Criminal Justice Institutional Division. The reformation also extends to orders to withdraw funds from Jones's inmate account.

CASES CITED

- Anders v. California, 386 U.S. 738, 744-45 (1967)
- In re Schulman, 252 S.W.3d 403, 406, 408-09, 411 (Tex. Crim. App. 2008)
- High v. State, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978)
- Penson v. Ohio, 488 U.S. 75, 80 (1988)
- Stafford v. State, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)
- Gainous v. State, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969)
- Bledsoe v. State, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005)
- Phea v. State, No. 07-24-00311-CR, 2025 Tex. App. LEXIS 1175 (Tex. App.—Amarillo Feb. 25, 2025, no pet.) (mem. op., not designated for publication)
- Dulin v. State, 620 S.W.3d 129, 133 (Tex. Crim. App. 2021)
- Fincher v. State, Nos. 07-25-00039-CR, 07-25-00040-CR, 2025 Tex. App. LEXIS 4978, at *5 (Tex. App.—Amarillo July 15, 2025, no pet.) (mem. op., not designated for publication)
- Tunstall v. State, Nos. 07-24-000269-CR, 07-24-00270-CR, 2024 Tex. App. LEXIS 8560, at *5 (Tex. App.—Amarillo Dec. 10, 2024, no pet.) (mem. op., not designated for publication)
- Mayer v. State, 309 S.W.3d 552, 556 (Tex. Crim. App. 2010)
- Cates v. State, 402 S.W.3d 250, 252 (Tex. Crim. App. 2013)
- Jones v. State, No. 12-25-00217-CR, 2026 Tex. App. LEXIS 911, at *3-4 (Tex. App.—Tyler Jan. 30, 2026, no pet.) (mem. op., not designated for publication)
- Jackson v. State, 562 S.W.3d 717, 723 (Tex. App.—Amarillo 2018, no pet.)
- King v. State, No. 07-24-00414-CR, 2025 Tex. App. LEXIS 5849, at *4-5 (Tex. App.—Amarillo Aug. 6, 2025, no pet.) (mem. op., not designated for publication)

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