

AFFIRM; and Opinion Filed November 24, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-01617-CR

JESSE LEE AUSTIN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-82407-2013**

MEMORANDUM OPINION

Before Justices Bridges, Lang-Miers, and Myers
Opinion by Justice Lang-Miers

Jesse Lee Austin waived a jury and pleaded guilty to theft of property having a value of less than \$1,500 and having two prior theft convictions. *See* TEX. PENAL CODE ANN. § 31.03(a), (e)(4)(D) (West Supp. 2014). The trial court assessed punishment at eighteen months' confinement in state jail. On appeal, appellant's attorney filed a brief in which she concludes the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 811–12 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to

appellant. We advised appellant of his right to file a pro se response, but he did not file a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (identifying duties of appellate courts and counsel in *Anders* cases).

We have reviewed the record and counsel’s brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). We agree the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal.

We affirm the trial court’s judgment.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

Do Not Publish
TEX. R. APP. P. 47

131617F.U05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JESSE LEE AUSTIN, Appellant

No. 05-13-01617-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 416th Judicial District
Court of Collin County, Texas (Tr.Ct.No.
416-82407-2013).

Opinion delivered by Justice Lang-Miers,
Justices Bridges and Myers participating.

Based on the Court's opinion of this date, the trial court's judgment is **AFFIRMED**.

Judgment entered November 24, 2014.