

**AFFIRMED and Opinion Filed December 2, 2020**



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

**No. 05-19-01031-CR  
No. 05-19-01032-CR  
No. 05-19-01033-CR**

**VICTOR CARL TERRY, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 380th Judicial District Court  
Collin County, Texas  
Trial Court Cause Nos. 380-82927-2018, 380-82928-2018, 380-80282-2019**

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**MEMORANDUM OPINION**

**Before Justices Schenck, Osborne, and Partida-Kipness  
Opinion by Justice Osborne**

Appellant Victor Carl Terry voluntarily pleaded guilty to aggravated robbery in cause number 380-82927-2018, assault against a public servant in cause number 380-80282-2019, and unauthorized use of a motor vehicle in cause number 380-82928-2018. The court accepted his pleas, and the cases proceeded to a punishment hearing and sentencing on August 19, 2019. After conducting a full hearing that included testimony from appellant and eleven other witnesses, the trial court sentenced appellant to two years' confinement in State Jail for unauthorized use of a motor vehicle, 20 years' confinement in the Institutional Division of the

Texas Department of Criminal Justice (“TDCJ”) for assault against a public servant, and 40 years’ confinement in TDCJ for aggravated robbery. Appellant filed a timely notice of appeal.

In this Court, appellant’s attorney filed a brief in which she concludes that 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 Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969); *Arevalos v. State*, 606 S.W.3d 912, 915–16 (Tex. App.—Dallas 2020, no pet. h.).

Appellant’s counsel filed a separate motion to withdraw. She also fulfilled the additional functions required by the Court of Criminal Appeals in *Kelly v. State*, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014), including notifying appellant of the motion to withdraw and the accompanying *Anders* brief, providing him a copy of each and informing him of his right to file a pro se response and of his right to review the record preparatory to filing that response. We also informed appellant of these rights and of his pro se right to seek discretionary review should this Court declare his appeal frivolous. *See Arevalos*, 606 S.W.3d at 914 n.2 (citing *Kelly*, 436 S.W.3d at 319–20).

We advised appellant of his right to file a pro se response, but he did not file a pro se response. *See Kelly*, 436 S.W.3d at 319–20 (appellant has right to file pro se response to *Anders* brief filed by counsel). 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 that 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.

/Leslie Osborne/  
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LESLIE OSBORNE  
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

VICTOR CARL TERRY, Appellant

No. 05-19-01031-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial  
District Court, Collin County, Texas  
Trial Court Cause No. 380-80282-  
2019.

Opinion delivered by Justice  
Osborne. Justices Schenck and  
Partida-Kipness participating.

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

Judgment entered December 2, 2020



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

**JUDGMENT**

VICTOR CARL TERRY, Appellant

No. 05-19-01032-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial  
District Court, Collin County, Texas  
Trial Court Cause No. 380-82927-  
2018.

Opinion delivered by Justice  
Osborne. Justices Schenck and  
Partida-Kipness participating.

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

Judgment entered December 2, 2020



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

**JUDGMENT**

VICTOR CARL TERRY, Appellant

No. 05-19-01033-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 380th Judicial  
District Court, Collin County, Texas  
Trial Court Cause No. 380-82928-  
2018.

Opinion delivered by Justice  
Osborne. Justices Schenck and  
Partida-Kipness participating.

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

Judgment entered December 2, 2020