

Opinion issued August 23, 2022



In The
Court of Appeals
For The
First District of Texas

NOS. 01-21-00371-CR
01-21-00372-CR

KENDRICK LEKEITH JACKSON, Appellant
V.
THE STATE OF TEXAS, Appellee

**On Appeal from the 21st District Court
Washington County, Texas
Trial Court Case Nos. 18,268 and 18,267**

MEMORANDUM OPINION

Appellant, Kendrick LeKeith Jackson, pleaded guilty to the second-degree felony offense of Aggravated Assault with a Deadly Weapon.¹ Appellant also

¹ See TEX. PENAL CODE § 22.02(a)(2).

pleaded guilty to the first-degree felony offense of Aggravated Assault with a Deadly Weapon with Serious Bodily Injury to a Family Member.² In accordance with appellant's plea bargain agreements with the State, the trial court deferred adjudications of appellant's guilt and placed appellant on community supervision for ten years in each case. The State subsequently filed motions to adjudicate appellant's guilt, alleging that appellant violated the terms of his community supervision. Among the violations pleaded, the State alleged that appellant committed a new offense—Interfering with the Duties of a Public Servant.³ Following a hearing, the trial adjudicated appellant guilty of Aggravated Assault with a Deadly Weapon and Aggravated Assault with a Deadly Weapon with Serious Bodily Injury to a Family Member and assessed appellant's punishment at 20 years' confinement on each charge. These sentences are within the applicable range.⁴ Appellant filed timely notices of appeal.

Appellant's appointed counsel on appeal has filed motions to withdraw, along with an *Anders* brief stating that the record presents no reversible error and that, therefore, the appeals are without merit and are frivolous. *See Anders v. California*, 386 U.S. 738 (1967). Counsel's brief meets the *Anders* requirements by presenting a professional evaluation of the records and supplying this Court with references to

² See TEX. PENAL CODE § 22.02(2)(F).

³ See TEX. PENAL CODE § 38.15.

⁴ See TEX. PENAL CODE §§ 12.34, 12.33.

the records and legal authority. *See id.* at 744; *see also High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978). Counsel indicates that he has thoroughly reviewed the records and that he is unable to advance any grounds of error that warrant reversal. *See Anders*, 386 U.S. at 744; *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.).

Appellant’s counsel has certified that he mailed a copy of the motion to withdraw and the *Anders* brief to appellant and informed appellant of his right to file a response and to access the record. *See In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008). Furthermore, counsel certified that he sent appellant the form motion for pro se access to the records for his response. *See Kelly v. State*, 436 S.W.3d 313, 322 (Tex. Crim. App. 2014). Appellant did not file a pro se response.

We have independently reviewed the entire records of these appeals and we conclude that no reversible error exists in the records, that there are no arguable grounds for review, and that therefore the appeals are frivolous. *See Anders*, 386 U.S. at 744 (emphasizing that reviewing court—and not counsel—determines, after full examination of proceedings, whether appeal is wholly frivolous); *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009) (reviewing court must determine whether arguable grounds for review exist); *Bledsoe v. State*, 178 S.W.3d 824, 826–28 (Tex. Crim. App. 2005) (reviewing court is not to address merits of each claim raised in *Anders* brief or *pro se* response after determining there are no arguable

grounds for review); *Mitchell*, 193 S.W.3d at 155. An appellant may challenge a holding that there are no arguable grounds for appeal by filing a petition for discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe*, 178 S.W.3d at 827 n.6.

Accordingly, we affirm the judgments of the trial court and grant counsel's motions to withdraw.⁵ *See* TEX. R. APP. P. 43.2(a). Attorney Forrest L. Sanderson, III must immediately send the required notice and file a copy of that notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c). We dismiss any other pending motions as moot.

PER CURIAM

Panel consists of Justices Goodman, Countiss, and Farris.

Do not publish. TEX. R. APP. P. 47.2(b).

⁵ Appointed counsel still has a duty to inform appellant of the result of this appeal and that he may, on his own, pursue discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).