



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-14-00151-CR

JASON EUGENE JURY

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 355TH DISTRICT COURT OF HOOD COUNTY
TRIAL COURT NO. CR12575

MEMORANDUM OPINION¹

A jury convicted Appellant Jason Eugene Jury of assault family violence with a prior conviction for assault family violence and assessed his punishment at imprisonment for eight years in the penitentiary. Tex. Pen. Code Ann. § 22.01(b)(2)(A), (f)(1) (West Supp. 2014).

¹See Tex. R. App. P. 47.4.

Appellant's court-appointed appellate counsel has filed a motion to withdraw and a brief in support of that motion. Counsel avers that in his professional opinion, this appeal is frivolous. Counsel's brief and motion meet the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. See 386 U.S. 738, 87 S. Ct. 1396 (1967). Appointed counsel informed Appellant of his right to file a pro se brief or response and indicated he sent Appellant a copy of the clerk's record and reporter's record. Appellant filed a pro se motion to extend time to file his pro se brief or response in which he acknowledged receipt of the appellate record. This court granted Appellant's pro se motion and extended the time to file his pro se brief or response to December 10, 2014. Appellant never filed a pro se brief or response or any additional motion to extend time to file a pro se brief or response. The State did not file a response. On August 3, 2015, this court notified the parties that the case was being submitted on August 24, 2015. As of the date of this opinion, Appellant has not filed a pro se brief or response or any additional motion to extend time to file a pro se brief or response.

Once an appellant's court-appointed attorney files a motion to withdraw on the ground that the appeal is frivolous and fulfills the requirements of *Anders*, this court is obligated to undertake an independent examination of the record. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays v. State*, 904 S.W.2d 920, 922–23 (Tex. App.—Fort Worth 1995, no pet.). Only then may

we grant counsel's motion to withdraw. See *Penon v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

We have carefully reviewed the record and counsel's brief. We agree with counsel that this appeal is wholly frivolous and without merit; we find nothing in the record that might arguably support the appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005); see also *Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006). Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

/s/ Anne Gardner
ANNE GARDNER
JUSTICE

PANEL: GARDNER, GABRIEL, and SUDDERTH, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: August 25, 2015