



IN THE COURT OF CRIMINAL APPEALS OF TEXAS

NO. PD-0380-20

CHARLES R. JONES, Appellant

v.

THE STATE OF TEXAS

ON APPELLANT'S PETITION FOR DISCRETIONARY REVIEW
FROM THE FIRST COURT OF APPEALS
HARRIS COUNTY

Per curiam.

OPINION

Appellant was convicted of aggravated robbery sentenced to 30 years in prison. On appeal, his lawyer filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967). Appellant filed a *pro se* brief in response arguing a host of issues, including that the State did not sustain its burden of proof during the sentencing phase because it did not put on any

evidence to show that the prior aggravated robbery conviction was final. The Court of Appeals reviewed the record and concluded that the appeal was frivolous. *Jones v. State*, No. 01-18-01079-CR, 2020 Tex. App. LEXIS 2561 (Tex. App.—Houston [1st Dist.] March 26, 2020) (not designated for publication). It affirmed the conviction.

Appellant has filed a petition for discretionary review arguing, *inter alia*, that the State failed to prove at punishment that the prior aggravated robbery conviction in Cause Number 788056 was final. This was an arguable ground on appeal. Therefore, the Court of Appeals was required to abate and remand to the trial court with orders to appoint counsel to present this and any other ground that might support the appeal. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008).

Accordingly, we grant Appellant's petition for discretionary review, vacate the judgment of the Court of Appeals, and remand this case to that court for proceedings consistent with this opinion.

DATE DELIVERED: September 30, 2020

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