



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

JA QUINN GREEN,	§	No. 08-22-00113-CR
	§	Appeal from the
v.	§	161st Judicial District Court
THE STATE OF TEXAS,	§	of Ector County, Texas
	§	(TC# B-19-0198-CR)
Appellant,		
Appellee.		

**MEMORANDUM OPINION**

On May 17, 2019, Appellant pled guilty to the offense of assault on a public servant, and the Ector County trial court issued an order of deferred adjudication, placing Appellant on community supervision.<sup>1</sup> *See* TEX. PENAL CODE § 22.01(b)(1). On May 10, 2021, the State filed a motion to revoke Appellant's community supervision alleging six violations of his conditions. ~~CR~~ 44 At the hearing on the motion to revoke, Appellant pled true to all six allegations. The trial court revoked Appellant's supervision, adjudicated him guilty based on his original plea, and sentenced him to confinement for eight years. We affirm.

**I. FRIVOLOUS APPEAL**

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<sup>1</sup> This case was transferred from the Eleventh Court of Appeals pursuant to a docket equalization order issued by the Supreme Court of Texas. *See* TEX. GOV'T CODE ANN. § 73.001. We follow the precedent of the Eleventh Court of Appeals to the extent it might conflict with our own. *See* TEX. R. APP. P. 41.3.

Appellant’s court-appointed counsel has filed a brief in which he has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. See *In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex.Crim.App. 2008)(“In Texas, an Anders brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.”); *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978). Counsel notified the Court in writing that he delivered a copy of counsel’s brief and the motion to withdraw to Appellant, and he advised Appellant of his right to review the record, file a *pro se* brief, and to seek discretionary review. *Kelly v. State*, 436 S.W.3d 313, 318-20 (Tex.Crim.App. 2014)(setting forth duties of counsel). Counsel also provided Appellant with a form motion for access to the appellate record. Appellant has not filed a brief.

We have carefully reviewed the record and counsel’s brief. We agree that the appeal is wholly frivolous and without merit, and we find nothing in the record that might arguably support the appeal. The judgment of the trial court is affirmed.

## **II. MOTION TO WITHDRAW**

We believe Green’s counsel has substantially complied with the requirements of *Anders* and *Kelly*. Therefore, we grant counsel’s motion to withdraw. See *Anders*, 386 U.S. at 744; *Kelly*, 436 S.W.3d at 318–20. No substitute counsel will be appointed. In the event Appellant wishes to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a *pro se* petition for discretionary review.

Any petition for discretionary review must comply with Rule 68.4 of the Texas Rules of Appellate Procedure. Additionally, any petition for discretionary review must be filed in the Court of Criminal Appeals within thirty days from the date of either this opinion or the last timely motion for rehearing that is overruled by this Court. *See* TEX.R.APP.P. 68.2, 68.3.

### **III. CONCLUSION**

We affirm Appellant's conviction and sentence and grant counsel's motion to withdraw.

SANDEE B. MARION, Chief Justice(Ret.)

December 1, 2022

Before Rodriguez, C.J., Alley, and Marion, CJ. (Ret.)  
Marion, C.J. (Ret.)(Sitting by Assignment)

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