

Opinion filed May 30, 2014



In The

Eleventh Court of Appeals

**Nos. 11-13-00292-CR, 11-13-00293-CR, 11-13-00294-CR, &
11-13-00295-CR**

DERICK NHEKAIRO, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 441st District Court
Midland County, Texas
Trial Court Cause Nos. CR40252, CR40383, CR40384, & CR40385**

MEMORANDUM OPINION

After three witnesses testified at trial, Derick Nhekairo pleaded guilty before the jury to three first-degree felony offenses of aggravated assault with a deadly weapon and causing serious bodily injury to a person with whom he had a dating relationship (No. 11-13-00292-CR, No. 11-13-00293-CR, and No. 11-13-00294-CR) and to one second-degree felony offense of aggravated assault (No. 11-13-00295-CR). The jury assessed Appellant's punishment for each of the first-degree

felony offenses at confinement for sixty years and a fine of \$10,000 and for the second-degree felony offense at confinement for twenty years and a fine of \$10,000. The trial court ordered that the sentences run concurrently. We dismiss these appeals.

Appellant's court-appointed counsel has filed a motion to withdraw in each of these appeals. In each appeal, the motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and states that he has concluded that the appeal is frivolous. Counsel has provided Appellant with a copy of the brief in each appeal and advised Appellant of his right to review the record and file a response to counsel's brief. A response has not been filed.¹ Court-appointed counsel has complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967); *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969); and *Eaden v. State*, 161 S.W.3d 173 (Tex. App.—Eastland 2005, no pet.). Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, and we agree that the appeals are without merit and should be dismissed. *Schulman*, 252 S.W.3d at 409.

We note that counsel has the responsibility to advise Appellant that he may file a petition for discretionary review with the clerk of the Texas Court of Criminal Appeals seeking review by that court. TEX. R. APP. P. 48.4 ("In criminal cases, the attorney representing the defendant on appeal shall, within five days after the opinion is handed down, send his client a copy of the opinion and judgment, along with notification of the defendant's right to file a *pro se* petition

¹By letter, this court granted Appellant thirty days in which to exercise his right to file a response to counsel's briefs.

for discretionary review under Rule 68.”). Likewise, this court advises Appellant that he may file a petition for discretionary review pursuant to TEX. R. APP. P. 68.

The motions to withdraw are granted, and the appeals are dismissed.

PER CURIAM

May 30, 2014

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

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.