

Opinion filed October 31, 2014



In The

# **Eleventh Court of Appeals**

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**Nos. 11-14-00172-CR & 11-14-00173-CR**

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**ANGELO CELEDONIO SANTOS, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 90th District Court**  
**Stephens County, Texas**  
**Trial Court Cause Nos. F33393 & F34081**

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## **MEMORANDUM OPINION**

Pursuant to a plea agreement, Angelo Celedonio Santos pleaded guilty in July 2013 to sexual assault of a child (No. 11-14-00172-CR) and to forgery of a financial instrument (No. 11-14-00173-CR). The trial court deferred a finding of guilt and placed Appellant on deferred adjudication community supervision for a term of ten years on the offense of sexual assault of a child and five years on the offense of forgery of a financial instrument.

In January 2014, the State filed in both causes a first amended motion to adjudicate guilt. The State alleged that Appellant had committed multiple violations of the terms and conditions of his community supervision. At a hearing

on the motions, Appellant pleaded “not true” to all the State’s allegations. The State presented evidence that supported a number of its allegations, including evidence that, in August 2013, Appellant consumed alcohol and used methamphetamine and cocaine. After receiving evidence, the trial court found that Appellant had violated numerous terms and conditions of his community supervision. The trial court adjudicated Appellant guilty of the charged offenses, and it assessed Appellant’s punishment at confinement for ten years and a fine of \$5,000 on the offense of sexual assault of a child and at confinement for twenty-four months and a fine of \$5,000 on the offense of forgery of a financial instrument. The trial court ordered that the sentences run concurrently. We dismiss the appeals.

Appellant’s court-appointed counsel has filed a motion to withdraw in these appeals. Each motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and concludes that the appeal is frivolous. Counsel has provided Appellant with a copy of the briefs and motions for pro se access to the record and has advised Appellant of his right to review the records and file a response to counsel’s briefs. A response has not been filed.<sup>1</sup> Court-appointed counsel has complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); *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.).

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<sup>1</sup>By letter, this court granted Appellant thirty days in which to exercise his right to file a response to counsel’s brief.

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 proof of one violation of the terms and conditions of community supervision is sufficient to support an adjudication order. *Smith v. State*, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009); *McDonald v. State*, 608 S.W.2d 192, 200 (Tex. Crim. App. [Panel Op.] 1980); *Jones v. State*, 571 S.W.2d 191, 193–94 (Tex. Crim. App. [Panel Op.] 1978).

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 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

October 31, 2014

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

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