

Opinion filed May 17, 2018



In The
Eleventh Court of Appeals

No. 11-18-00027-CR

RICKY TIPTON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 70th District Court
Ector County, Texas
Trial Court Cause No. A-43,972**

MEMORANDUM OPINION

In 2016, a jury found Appellant, Ricky Tipton, guilty of the second-degree felony offense of aggravated assault, assessed punishment at confinement for ten years and a \$10,000 fine, and recommended that Appellant be placed on community supervision. Pursuant to the jury's verdict, the trial court suspended the imposition of the confinement portion of Appellant's sentence and placed him on community supervision for ten years. Approximately one year later, the State filed a motion to

revoke community supervision. After a contested hearing on revocation, the trial court found the State's allegations to be true, revoked Appellant's community supervision, and imposed the original sentence of confinement for ten years and the remainder of the fine—\$9,359. We dismiss the appeal.

Appellant's court-appointed counsel has filed a motion to withdraw. 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 and without merit. Counsel has provided Appellant with a copy of the brief, a copy of the motion to withdraw, an explanatory letter, and a copy of both the reporter's record and the clerk's record. Counsel advised Appellant of his right to review the record and file a response to counsel's brief.¹ Counsel also advised Appellant of his right to file a petition for discretionary review with the clerk of the Texas Court of Criminal Appeals seeking review by that court. *See* TEX. R. APP. P. 48.4, 68. 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. [Panel Op.] 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 appeal is without merit and should be dismissed. *See 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

¹We note that this court granted Appellant more than thirty days in which to exercise his right to file a response to counsel's brief and that Appellant has not filed a response.

support revocation. *Smith v. State*, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009). At the revocation hearing, the State presented evidence that Appellant violated the terms and conditions of his community supervision. Based upon our review of the record, we agree with counsel that no arguable grounds for appeal exist.²

Accordingly, the motion to withdraw is granted, and the appeal is dismissed.

PER CURIAM

May 17, 2018

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

Panel consists of: Willson, J.,
Bailey, J., and Wright, S.C.J.³

²We note that Appellant has a right to file a petition for discretionary review pursuant to TEX. R. APP. P. 68.

³Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.