

Opinion filed August 1, 2019



In The

Eleventh Court of Appeals

Nos. 11-19-00029-CR & 11-19-00030-CR

JUAN JOSE JIMENEZ, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 244th District Court
Ector County, Texas
Trial Court Cause Nos. D-17-2180-CR & D-17-2181-CR**

MEMORANDUM OPINION

Appellant, Juan Jose Jimenez, Jr., pleaded guilty to two charges of the third-degree felony offense of assault family violence. *See* TEX. PENAL CODE ANN. § 22.01(a)(1), (b)(2)(B) (West 2019). Pursuant to the terms of the plea agreements, the trial court deferred a finding of guilt and placed Appellant on community supervision for two years in each case and assessed a fine of \$500 in cause no. D-17-2180-CR. The State subsequently filed a motion to adjudicate

Appellant's guilt in each case. The trial court held a contested hearing on the State's motions to adjudicate, found the State's allegations to be true, revoked Appellant's community supervision, and adjudicated Appellant guilty of the charged offenses. The trial court assessed Appellant's punishment at imprisonment for five years in cause no. D-17-2180-CR and for eight years in cause no. D-17-2181-CR. We affirm.

Appellant's court-appointed counsel has filed a motion to withdraw in each appeal. Each 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 these appeals are frivolous and without merit. In each cause, counsel provided Appellant with a copy of the brief, a copy of the motion to withdraw, a copy of the clerk's record and the reporter's record, and an explanatory letter. Counsel advised Appellant of his right to review the record and file a response to counsel's brief. Counsel also advised Appellant of his right to file a pro se petition for discretionary review in order to seek review by the Texas Court of Criminal Appeals. *See* TEX. R. APP. P. 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); and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991).

Appellant has not filed a pro se response to counsel's *Anders* briefs. Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the records, and we agree that the appeals are without merit. The State presented evidence in support of the allegations in the motions to adjudicate. In that regard, we note that proof of one violation of the terms and conditions of community supervision is sufficient to support revocation. *Smith v. State*, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009). Further, absent a void judgment, issues relating to an original plea proceeding may not be raised in a subsequent appeal from the

revocation of community supervision and adjudication of guilt. *Jordan v. State*, 54 S.W.3d 783, 785–86 (Tex. Crim. App. 2001); *Manuel v. State*, 994 S.W.2d 658, 661–62 (Tex. Crim. App. 1999). Based on our review of the records, we agree with counsel that no arguable grounds for error exist.¹

We grant counsel’s motions to withdraw and affirm the trial court’s judgments.

PER CURIAM

August 1, 2019

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

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.²

Willson, J., not participating.

¹We note that Appellant has a right to file a petition for discretionary review pursuant to Texas Rule of Appellate Procedure 68.

²Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.