

AFFIRMED; Opinion Filed July 28, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

**No. 05-13-01591-CR
No. 05-13-01592-CR**

JOHN ELLSWORTH BLACK, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 1
Dallas County, Texas
Trial Court Cause Nos. F12-42003-H, F13-25019-H**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Brown
Opinion by Justice Myers

John Ellsworth Black appeals his convictions for theft of property. In cause no. 05-13-01591-CR, appellant waived a jury, pleaded guilty to theft of property valued less than \$1,500, having two prior theft convictions, and pleaded true to two enhancement paragraphs. *See* TEX. PENAL CODE ANN. § 31.03(a), (e)(4) (West Supp. 2013). Pursuant to a plea agreement, the trial court assessed punishment at ten years' imprisonment, probated for four years, and a \$2,000 fine. The trial court later revoked appellant's community supervision finding that he violated several conditions of community supervision, including committing a new theft offense. The trial court assessed punishment at seven years' imprisonment.

In cause no. 05-13-01592-CR, appellant waived a jury, pleaded guilty to theft of property valued less than \$1,500, having two prior theft convictions, and pleaded true to two enhancement paragraphs. *See id.* The trial court assessed punishment at seven years' imprisonment.

On appeal, appellant's attorney filed a brief in which he concludes the appeals are wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 811–12 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to appellant. We advised appellant of his right to file a pro se response, but he did not file a pro se response. *See Kelly v. State*, 2014 WL 2865901 (Tex. Crim. App. June 25, 2014) (identifying duties of appellate courts and counsel in *Anders* cases).

We have reviewed the record and counsel's brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). We agree the appeals are frivolous and without merit. We find nothing in the record that might arguably support the appeals.

We affirm the trial court's judgments.

/ Lana Myers/
LANA MYERS
JUSTICE

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TEX. R. APP. P. 47
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**Court of Appeals
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JUDGMENT

JOHN ELLSWORTH BLACK, Appellant

No. 05-13-01591-CR V.

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Appeal from the Criminal District Court
No. 1 of Dallas County, Texas (Tr.Ct.No.
F12-42003-H).

Opinion delivered by Justice Myers,
Justices Lang and Brown participating.

Based on the Court's opinion of this date, the trial court's judgment is **AFFIRMED**.

Judgment entered July 28, 2014.



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