

Affirm and Opinion Filed August 19, 2021



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

No. 05-20-00162-CR

**DAVID CHARLES WATTS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 7
Dallas County, Texas
Trial Court Cause No. F-1734528-Y**

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Nowell
Opinion by Justice Nowell

On April 17, 2019, David Charles Watts entered an agreed plea of guilt to the second degree offense of burglary of a habitation. The trial court followed the plea agreement and placed appellant on deferred adjudication for three years. The State subsequently filed a motion to adjudicate. On January 30, 2020, appellant pleaded true to the allegation in the State's motion that he failed to successfully complete the drug program as ordered by the court. The trial court accepted appellant's plea of true and sentenced him to three years' incarceration. Appellant timely filed a notice of appeal.

On appeal, appellant's attorney filed a brief in which she concluded the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). See *Murphy v. State*, 111 S.W.3d 846, 849 (Tex. App.—Dallas 2003, no pet.). The brief presents a professional evaluation of the record showing why, in effect there are no arguable grounds to advance. See *High v. State*, 572 S.W.2d 807, 811 (Tex. Crim. App. [Panel Op.] 1978).

Counsel provided a copy of the brief, the complete record, and her motion to withdraw to appellant. She also notified appellant of his right to object to the motion and the applicable deadlines for filing a response. By letter dated September 8, 2020, we advised appellant that his counsel filed a brief in which she stated she determined his appeal was frivolous and without merit, along with a motion to withdraw as counsel; we attached those documents to the letter. We advised appellant he had a right to review the appellate record and file a pro se response. We further advised appellant that if he did not file a pro se response by October 22, 2020, his case would be submitted on the *Anders* brief alone. Appellant did not file a response.

We have reviewed the record and counsel's brief. See *Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). We agree that the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal. We affirm the trial court's judgment.

/Erin A. Nowell//

ERIN A. NOWELL

JUSTICE

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TEX. R. APP. P. 47.2(b)



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

JUDGMENT

DAVID CHARLES WATTS,
Appellant

No. 05-20-00162-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 7, Dallas County, Texas
Trial Court Cause No. F-1734528-Y.
Opinion delivered by Justice Nowell.
Justices Osborne and Pedersen, III
participating.

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

Judgment entered this 19th day of August, 2021.