

AFFIRMED and Opinion Filed November 2, 2021



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

No. 05-20-00794-CR

**SHAWN PATRICK THURMAN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 363rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F18-26068-W**

MEMORANDUM OPINION

Before Justices Schenck, Smith, and Garcia
Opinion by Justice Garcia

Appellant pleaded guilty and was convicted of burglary of a building, enhanced by two prior convictions. The court assessed punishment at ten years imprisonment and judgment was entered accordingly.

On appeal, appellant's counsel has filed a brief in which he concludes the appeal is 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, 812 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets requirements of *Anders*). Counsel delivered a copy of the brief

to appellant. The State filed a letter brief stating that it agrees with counsel's assessment.¹ 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*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (noting appellant has right to file pro se response to *Anders* brief filed by counsel).

As required, appellant's counsel has moved for leave to withdraw and has provided appellant with a copy of the motion. *See In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding). We carried the motion for consideration with the merits.

Having reviewed the record, we agree with counsel that this appeal is wholly frivolous and without merit; we find nothing in the record before us that arguably might support the appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005); *see also Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006).

¹ As the State notes, the record does reflect error because the court failed to orally give the immigration consequences admonishment. *See* TEX. CODE CRIM. PROC. ANN. art. 26.13. Nonetheless, we agree with the State that the record does not demonstrate that this affected appellant's substantial rights. *See VanNortrick v. State*, 227 S.W.3d 706, 708 (Tex. Crim. App. 2007); TEX. R. APP. P. 44.2(b).

Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment. *See* Tex. R. App. P. 43.2(a), (b).

/Dennise Garcia/
DENNISE GARCIA
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
200794F.U05



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

JUDGMENT

SHAWN PATRICK THURMAN,
Appellant

No. 05-20-00794-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 363rd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F18-26068-W.
Opinion delivered by Justice Garcia.
Justices Schenck and Smith
participating.

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

Judgment entered November 2, 2021