



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

**NO. 02-15-00432-CR
NO. 02-15-00433-CR**

SHONDA LEE MOXLEY

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 432ND DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NOS. 1412917D, 1414818D

MEMORANDUM OPINION¹

Appellant Shonda Lee Moxley entered open pleas of guilty to two cases of theft of property valued at less than \$1500. She also pleaded true to the State's two enhancement paragraphs. The trial court sentenced her to four years' incarceration in each case. These appeals followed.

¹See Tex. R. App. P. 47.4.

Moxley's court-appointed, appellate counsel has filed a motion to withdraw and a brief in support of that motion. Counsel avers that in his professional opinion, these appeals are frivolous. Counsel's brief and motion meet the requirements of *Anders v. California* by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds for relief. See 386 U.S. 738, 87 S. Ct. 1396 (1967). In compliance with *Kelly v. State*, counsel notified Moxley of his motion to withdraw, provided her a copy of the motion and brief, informed her of her right to file a pro se response, informed her of her right to seek discretionary review should this court hold the appeals are frivolous, and took concrete measures to facilitate Moxley's review of the appellate record. 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). This court also informed Moxley that she could file a pro se response to her counsel's brief, but she elected instead to send a letter stating that she would not be pursuing this appeal any further. The State did not submit a brief.

Once an appellant's court-appointed attorney files a motion to withdraw on the ground that the appeal is frivolous and fulfills the requirements of *Anders*, this court is obligated to undertake an independent examination of the record. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays v. State*, 904 S.W.2d 920, 922–23 (Tex. App.—Fort Worth 1995, no pet.). Only then may we grant counsel's motion to withdraw. See *Penson v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

We have carefully reviewed the record and counsel's brief, and we agree with counsel that these appeals are wholly frivolous and without merit—we find nothing in the record that might arguably support the appeals. 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). Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgments. See Tex. R. App. P. 43.2(a).

/s/ Bill Meier
BILL MEIER
JUSTICE

PANEL: LIVINGSTON, C.J.; MEIER and SUDDERTH, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: December 15, 2016