In The
Court of Appeals
Seventh District of Texas at Amarillo

Nos. 07-16-00074-CR
07-16-00075-CR

RONDELL TAKARE JONES, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 181st District Court
Potter County, Texas
Trial Court Nos. 70,332-B and 70,333-B, Honorable John B. Board, Presiding

June 12, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

Appellant Rondell Takare Jones appeals the trial court's judgments of conviction in two causes. The charges were tried together; both arose from appellant's shooting of his girlfriend Alicia Nicole Gooden and her seven-year-old son. In the first cause, appellant pled guilty to the aggravated assault of Gooden with a deadly weapon.[1] In the second cause, appellant pled not guilty to the aggravated assault of the seven-year-old

[1] TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2015).

with a deadly weapon.[2] After a bench trial, the court found him guilty of both offenses. After hearing appellant's plea of true to a prior felony conviction for arson, the court heard punishment evidence and sentenced appellant to 80-year concurrent prison terms for the offenses. He filed notice of appeal in both cases. In presenting the appeals, appointed counsel has filed an *Anders*[3] brief in support of a motion to withdraw in each cause. We will grant counsel's motions and affirm the trial court's judgments.

In support of his motions to withdraw, counsel certifies he has conducted a conscientious examination of the record, and in his opinion, the record reflects no potentially plausible basis for reversal of appellant's convictions. *Anders,* 386 U.S. at 744-45; *In re Schulman,* 252 S.W.3d 403, 406 (Tex. Crim. App. 2008). Counsel discusses why, under the controlling authorities, the record supports that conclusion. *High v. State,* 573 S.W.2d 807, 813 (Tex. Crim. App. 1978). Counsel has demonstrated he has complied with the requirements of *Anders* and *In re Schulman* by (1) providing a copy of the brief to appellant, (2) notifying him of his right to review the record and file a *pro se* response if he desired to do so, and (3) informing him of his right to file a *pro se* petition for discretionary review. *In re Schulman,* 252 S.W.3d at 408. *See Kelly v. State,* 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014) (specifying appointed counsel's obligations on filing a motion to withdraw supported by an *Anders* brief). Counsel also has provided appellant a copy of the appellate record. By letter, this Court granted appellant an opportunity to exercise his right to file a response to counsel's brief, should he be so inclined. *Id.* at 409 n.23. Appellant filed a response wherein he raised several

[2] TEX. PENAL CODE ANN. § 22.02(a)(2).

[3] *Anders v. California*, 386 U.S. 738, 744-45, 87 S. Ct. 1396, 18 L. Ed.2d 493 (1967).

issues, including complaints concerning the prosecutor, his attorney's representation, the validity of his indictments, and the severity of his punishment in each cause. Appellant raised additional issues through a motion he filed in April 2017.

Background

Alicia Nicole Gooden testified appellant was her boyfriend at the time of the assaults. On a day in March 2015, after appellant came home in the evening, the couple discussed breaking up. Appellant went outside, came back inside after about ten minutes, went into the bedroom, and came into the living room five minutes later. He started shooting. Gooden and her seven-year-old son ran out the front door. Appellant shot Gooden in the shoulder and the leg and shot her son in the calf. Gooden testified to these events, and her son testified similarly.

Gooden's friend and neighbor testified to hearing gunshots and seeing Gooden and her son leaving their home through the front door. She saw both were shot and called 911. She testified appellant came out of the front door, made profane remarks about Gooden and left. The responding police officer also testified. He told the court he found two gunshot victims when he arrived, and administered first aid. He also took pictures of the victims and the scene but did not make contact with appellant. A second officer testified he found appellant's vehicle at another location. Appellant was in the car, along with a nine-millimeter pistol. The officer took appellant to the police station and administered a gunshot residue test on each of appellant's hands. He testified one of the tests was positive. An emergency room doctor also testified, confirming the gunshot wounds to each victim, acknowledging that the wounds were "potentially fatal," and describing the treatment they received.

A detective testified he interviewed appellant about the shooting. During the interview, appellant admitted he was upset with Gooden and admitted he had a gun and shot her, but said he did not mean to shoot the child. Appellant acknowledged, however, that both Gooden and her son were sitting on the couch when he began shooting. The recording of the interview was introduced into evidence, with portions concerning extraneous bad acts redacted. Appellant did not testify and did not call any witnesses to testify on his behalf.

During the punishment hearing, appellant pled "true" to the enhancement paragraph set forth in the indictment for each cause. The State did not provide additional witness testimony but did offer into evidence the judgments of conviction of two prior felony convictions. Appellant called one witness during the punishment hearing. The witness told the court appellant had worked for him for two years and that appellant was a good employee but suffered from stress at his home.

Analysis

By the *Anders* brief, counsel discusses the testimony of each witness and separately addresses the pretrial proceedings, the indictments, the opening statements, the guilt-innocence phase of trial, and the punishment hearing. Counsel describes his evaluation of each of these areas and concludes the record does not support reversible error in either cause.

When we are presented an *Anders* brief, we may determine that the appeal is wholly frivolous and issue an opinion explaining that we have reviewed the record and find no reversible error, *Bledsoe v. State,* 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005) (citing *Anders*, 386 U.S. at 744), or, we may determine that arguable grounds for

appeal exist and remand the cause to the trial court so that new counsel may be appointed to appropriately brief the issues. *Id.* (citing *Stafford v. State,* 813 S.W.2d 503, 510 (Tex. Crim. App. 1991)).

Here, we have independently examined the entire record to determine whether there are any non-frivolous issues which might support the appeal in either cause. *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *In re Schulman*, 252 S.W.3d at 409; *Stafford v. State,* 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We have found no such issues. *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). After reviewing the record, counsel's brief, and appellant's *pro se* response and motion, we agree with counsel that there is no plausible basis for reversal of either of appellant's convictions. *Bledsoe*, 178 S.W.3d at 826-27.

Conclusion

Accordingly, we affirm the judgments of the trial court and grant counsel's motions to withdraw in each cause.[4]

James T. Campbell
Justice

Do not publish.

[4] Counsel must comply with Rule 48.4 of the Texas Rules of Appellate Procedure which provides that counsel shall, within five days after this opinion is handed down, send appellant a copy of the opinion and judgment together with notification of his right to file a *pro se* petition for discretionary review. *In re Schulman,* 252 S.W.3d at 408 n.22 & 411 n.35. The duty to send the client a copy of this Court's decision is ministerial in nature, does not involve legal advice, and exists after the court of appeals has granted counsel's motions to withdraw. *Id.* at 411 n.33.