



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-17-00387-CR

ADONIS DEMETRI TISDELL A/K/A ADORNIS DEMETRI TISDELL, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 371st District Court
Tarrant County, Texas
Trial Court No. 1475743D, Honorable Mollee Westfall, Presiding

April 27, 2018

MEMORANDUM OPINION

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

Appellant Adonis Demetri Tisdell a/k/a Adornis Demetri Tisdell appeals his conviction, on an open plea of guilty to the court, for the first-degree felony offense of arson of a habitation¹ and the resulting sentence of imprisonment for a term of twenty years.² Appellant's appointed attorney has filed a motion to withdraw and a brief pursuant

¹ TEX. PENAL CODE ANN. § 28.02(d)(2) (West 2018).

² Arson of a habitation is a first-degree felony offense punishable by imprisonment for life or for any term of not more than 99 years or less than 5 years and a fine not to exceed \$10,000. TEX. PENAL CODE ANN. § 12.42 (West 2018).

to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008). Agreeing with counsel's conclusion the record does not show an arguably meritorious issue that could support the appeal, we will affirm the trial court's judgment.

Appellant was charged via indictment with first-degree felony arson.³ Appellant pled guilty in July 2017. In September 2017, after receiving a presentence investigation report, the trial court held a punishment hearing. The State presented only the presentence investigation report as evidence. Appellant testified, describing the circumstances that led him to start a fire inside his mother's apartment. He also presented the testimony of his mother and his sister-in-law. Each of his witnesses expressed a desire for the trial court judge to order treatment rather than incarceration for appellant.

After hearing the testimony and considering the presentence investigation report provided, the trial court accepted appellant's guilty plea, found appellant guilty of the charged offense, and sentenced him to twenty years of incarceration. Appellant timely appealed.

In support of counsel's motion to withdraw, counsel certifies that she has diligently reviewed the record and, in her opinion, the record reflects no reversible error upon which an appeal can be predicated. *Anders*, 386 U.S. at 744; *In re Schulman*, 252 S.W.3d at 406. In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978), counsel has discussed why, under the controlling authorities, the record does not reflect any reversible error. Counsel notified appellant by letter of her motion to withdraw;

³ The indictment also included a deadly weapon allegation. This was later waived.

provided him a copy of the motion, *Anders* brief, and appellate record; and informed him of his right to file a *pro se* response. See *Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014) (specifying appointed counsel's obligations on the filing of a motion to withdraw supported by an *Anders* brief). By letter, this Court also advised appellant of his right to file a *pro se* response to counsel's *Anders* brief. Appellant filed a response.

By her *Anders* brief, counsel discusses five areas where reversible error could have occurred but concludes that the appeal is frivolous. We have independently examined the record to determine whether there are any non-frivolous issues that were preserved in the trial court which might support the appeal. We agree it presents no arguably meritorious grounds for review. See *Person 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.

After carefully reviewing the appellate record, counsel's brief and appellant's response, we conclude there are no plausible grounds for appellate review. We therefore affirm the trial court's judgment and grant counsel's motion to withdraw.⁴ TEX. R. APP. P. 43.2(a).

James T. Campbell
Justice

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⁴ Counsel shall, within five days after the opinion is handed down, send her client a copy of the opinion and judgment, along with notification of the defendant's right to file a *pro se* petition for discretionary review. TEX. R. APP. P. 48.4.