



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-10-00047-CR

CHRISTOPHER E. JACOBS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 71st Judicial District Court
Harrison County, Texas
Trial Court No. 09-0291X

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Carter

MEMORANDUM OPINION

Christopher E. Jacobs appeals his conviction on multiple counts on his open plea of guilty to each count. He was sentenced to two life terms for two counts of aggravated sexual assault, twenty years each on two counts of sexual performance by a child, and ten years for possession of child pornography.

Jacobs' attorney on appeal has filed a brief which discusses the record and reviews the proceedings in detail, combined with a discussion of one issue that counsel nonetheless believes may be arguable, although without merit—constitutionally disproportionate sentencing. Counsel has thus provided a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. This meets the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1981); and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978).

Counsel mailed a copy of the brief to Jacobs on July 15, 2010, informing Jacobs of his right to file a pro se response and of his right to review the record. Counsel has also filed a motion with this Court seeking to withdraw as counsel in this appeal. Jacobs has now filed his pro se response, alleging that his confession was coerced, his punishment was unjust, the search and seizure at his residence was illegal and there was no probable cause to do so, his arrest was illegal, and the search warrant was illegal.

We have determined that this appeal is wholly frivolous. The possible issue proposed by

counsel was not preserved for review, *see Williamson v. State*, 175 S.W.3d 522, 523–24 (Tex. App.—Texarkana 2005, no pet.), and even had it been, there is nothing to support an argument that the punishments assessed (within the statutory ranges) is constitutionally grossly disproportionate to the gravity of the offenses. *Id.*; *see Latham v. State*, 20 S.W.3d 63, 69 (Tex. App.—Texarkana 2000, pet. ref’d). We have independently reviewed the clerk’s record and the reporter’s record, in light of Jacobs’ pro se response, and we agree with counsel that no arguable issues support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

In a frivolous appeal situation, we are to determine whether the appeal is without merit and is frivolous, and if so, the appeal must be dismissed or affirmed. *See Anders*, 386 U.S. 738.

We affirm the judgment of the trial court.¹

Jack Carter
Justice

Date Submitted: March 28, 2011
Date Decided: March 29, 2011

Do Not Publish

¹Since we agree this case presents no reversible error, we also, in accordance with *Anders*, grant counsel’s request to withdraw from further representation of appellant in this case. No substitute counsel will be appointed. Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, appellant must either retain an attorney to file a petition for discretionary review or appellant must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this Court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this Court, after which it will be forwarded to the Texas Court of Criminal Appeals along with the rest of the filings in this case. *See* TEX. R. APP. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4.