



**IN THE
TENTH COURT OF APPEALS**

No. 10-09-00040-CR

SHERRIE DENISE WILSON,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 66th District Court
Hill County, Texas
Trial Court No. 33,058**

MEMORANDUM OPINION

Sherrie Denise Wilson pled guilty to aggravated robbery of a disabled person, a first-degree felony, and received deferred adjudication community supervision for a period of ten years. The State later moved to proceed to final adjudication, alleging fourteen violations of her conditions of community supervision. Wilson pled true to ten of those allegations, which the trial court found true, as well as three others to which Wilson had pled not true. The trial court found Wilson guilty and sentenced her to twelve years' imprisonment.

Wilson's appointed appellate counsel has filed a motion to withdraw and an *Anders* brief, asserting that he has diligently reviewed the appellate record and that, in his opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Although informed of her right to do so, Wilson did not file a *pro se* brief or response. The State waived the filing of a brief. We will affirm.

In an *Anders* case, we must, "after a full examination of all the proceedings, [] decide whether the case is wholly frivolous." *Anders*, 386 U.S. at 744, 87 S.Ct. at 1400; accord *Stafford v. State*, 813 S.W.2d 503, 509-11 (Tex. Crim. App. 1991). An appeal is "wholly frivolous" or "without merit" when it "lacks any basis in law or fact." *McCoy v. Court of Appeals*, 486 U.S. 429, 439 n.10, 108 S.Ct. 1895, 1902 n.10, 100 L.Ed.2d 440 (1988).

We have conducted an independent review of the record, and because we find this appeal to be wholly frivolous, we affirm the judgment. Counsel must send Wilson a copy of our decision by certified mail, return receipt requested, at Wilson's last known address. TEX. R. APP. P. 48.4. Counsel must also notify Wilson of her right to file a *pro se* petition for discretionary review. *Id.*; see also *Ex parte Owens*, 206 S.W.3d 670, 673-74 (Tex. Crim. App. 2006). We grant counsel's motion to withdraw, effective upon counsel's compliance with the aforementioned notification requirement as evidenced by "a letter [to this Court] certifying his compliance." *See* TEX. R. APP. P. 48.4.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Reyna, and
Justice Davis

(Chief Justice Gray concurs in the judgment to the extent it affirms the trial court's judgment only. A separate opinion will not issue.)

Affirmed

Opinion delivered and filed December 8, 2010

Do not publish

[CR25]