



**IN THE
TENTH COURT OF APPEALS**

No. 10-11-00412-CR

RONALD WAYNE JACKSON, JR.,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 54th District Court
McLennan County, Texas
Trial Court No. 2008-1055-C2**

MEMORANDUM OPINION

Ronald Wayne Jackson, Jr., pled guilty to the state-jail felony offenses of theft of property valued at more than \$1,500 but less than \$20,000 (Count 1) and forgery (Count 2). Jackson received deferred adjudication community supervision for a period of four years. The State later moved to adjudicate Jackson's guilt, alleging seven violations of his conditions of community supervision. Jackson pled "true" to the first allegation and "not true" to the remaining allegations. The trial court found that Jackson violated the conditions of his community supervision, adjudicated him guilty, and sentenced him to

twenty-four months' state-jail confinement and a \$300 fine on Count 1 and twenty-four months' state-jail confinement on Count 2, both sentences to run concurrently.

Jackson'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 his right to do so, Jackson did not file a *pro se* brief or response. The State did not file 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 Jackson a copy of our decision by certified mail, return receipt requested, at Jackson's last known address. TEX. R. APP. P. 48.4. Counsel must also notify Jackson of his 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 Davis, and
Justice Scoggins

Affirmed

Opinion delivered and filed March 21, 2012

Do not publish

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