



**IN THE
TENTH COURT OF APPEALS**

No. 10-21-00090-CR

FRANKLIN CALVIN JONES,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 52nd District Court
Coryell County, Texas
Trial Court No. 20-26069**

MEMORANDUM OPINION

Franklin Jones entered a plea of guilty to the offense of unauthorized use of a motor vehicle. On July 20, 2020, the trial court convicted Jones of the offense and assessed punishment at twenty-four months confinement in a state jail facility. The trial court suspended imposition of the sentence and placed Jones on community supervision for four years. On December 10, 2020, the State filed a motion to revoke Jones's community supervision, and on February 9, 2021, the State filed an amended motion to revoke

community supervision. The amended motion alleged Jones violated the conditions of his community supervision by committing the offense of theft of property. After a hearing, the trial court found the allegation to be true, revoked Jones's community supervision, and sentenced Jones to twenty-four months confinement in a state jail facility. We affirm.

Jones's appointed counsel filed a motion to withdraw and an *Anders* brief in support of the motion 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 (1967). Counsel's brief evidences a professional evaluation of the record for error and compliance with the other duties of appointed counsel. We conclude that counsel has performed the duties required of appointed counsel. See *Anders v. California*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978); see also *Kelly v. State*, 436 S.W.3d 313, 319-320 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008).

In reviewing an *Anders* appeal, we must, "after a full examination of all the proceedings, ... decide whether the case is wholly frivolous." *Anders v. California*, 386 U.S. at 744; see *Penson v. Ohio*, 488 U.S. 75, 80 (1988); 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 (1988). After a review of the entire record in this appeal, we have determined the appeal to be

wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

Accordingly, we affirm the trial court's judgment.

Counsel's motion to withdraw from representation of Jones is granted.

STEVE SMITH
Justice

Before Chief Justice Gray,
Justice Johnson, and
Justice Smith

Affirmed; motion granted

Opinion delivered and filed October 6, 2021

Do not publish

[CR25]

