

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-15-00478-CR
NO. 03-15-00479-CR**

David Wayne Stokes, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NOS. 74268 & 73914, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

These are appeals pursuant to *Anders v. California*.¹ In two causes consolidated for trial, appellant David Wayne Stokes, Jr., pleaded guilty to the offenses of burglary of a building and burglary of a vehicle.² In each cause, Stokes also pleaded true to the allegations in five enhancement paragraphs alleging five prior state-jail-felony convictions. During the plea hearing, the district court took judicial notice of Stokes's signed judicial confessions, in which he admitted to the allegations contained within the indictments. At the conclusion of the hearing, the district court found the evidence sufficient to support a finding of guilt but withheld that finding and reset the causes for sentencing.

¹ 386 U.S. 738 (1967).

² See Tex. Penal Code §§ 30.02, .04.

At the sentencing hearing, the district court admitted into evidence a letter written by Stokes, in which he accepted “full responsibility for the charges” against him, attempted to explain why he had committed the burglaries, and asked the district court to place him on probation. At the conclusion of the hearing, the district court sentenced Stokes to ten years’ imprisonment in each cause, with the sentences to run concurrently. These appeals followed.

In each cause, Stokes’s court-appointed counsel has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced.³ Counsel has certified to the Court that he has provided a copy of the motion and brief to Stokes, advised Stokes of his right to examine the appellate record and file a pro se response, and supplied Stokes with a form motion for pro se access to the appellate record.⁴ No pro se brief or other written response has been filed.

We have independently reviewed the record and agree with counsel that the appeals are frivolous and without merit. We find nothing in the record that might arguably support the appeals. In each cause, counsel’s motion to withdraw is granted.

The judgments of conviction are affirmed.

³ See 386 U.S. at 744-45; see also *Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972).

⁴ See *Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014).

Bob Pemberton, Justice

Before Chief Justice Rose, Justices Pemberton and Field

Affirmed

Filed: November 4, 2015

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