

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-19-00008-CR**

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**Samantha Marie DeGraaff, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 426TH DISTRICT COURT OF BELL COUNTY  
NO. 66213, THE HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Samantha Marie DeGraaff was placed on deferred adjudication community supervision for a period of ten years after pleading guilty to the offense of aggravated assault with a deadly weapon. *See* Tex. Penal Code § 22.02. The State subsequently filed three motions to adjudicate DeGraaff's guilt based on alleged violations of the terms of her community supervision. In response to each motion, DeGraaff pleaded true to the violations of her community supervision as alleged in the State's motions. Following hearings on the first and second motions to adjudicate, the trial court modified the terms and conditions of DeGraaff's community supervision in lieu of adjudication on the offense of aggravated assault.<sup>1</sup> In response to the State's third motion to adjudicate, the trial court found that DeGraaff violated the conditions of her community supervision and granted the State's motion. The court adjudicated

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<sup>1</sup> The trial court granted the motion and adjudicated DeGraaff's guilt with respect to a related charge of state jail theft and assessed her 200 days' confinement with credit for time already served.

DeGraaff guilty of aggravated assault with a deadly weapon, revoked her community supervision, and assessed her punishment at five years' incarceration in the Texas Department of Criminal Justice-Institutional Division.

Appellant's court-appointed attorney 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. *See Anders v. California*, 386 U.S. 738, 744 (1967); *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also Penson v. Ohio*, 488 U.S. 75, 86-87 (1988).

Appellant's counsel has represented to the Court that he has provided copies of the motion and brief to appellant; advised appellant of her right to examine the appellate record and file a pro se brief; and provided appellant with a form motion for pro se access to the appellate record along with the mailing address of this Court. *See Kelly v. Smith*, 436 S.W.3d 313, 319-21 (Tex. Crim. App. 2014); *see also Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. To date, appellant has not filed a pro se response or requested an extension of time to file a response.

We have conducted an independent review of the record, including appellate counsel's brief, and find no reversible error. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766; *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We agree with counsel that the record presents no arguably meritorious grounds for review and the appeal is frivolous.

Counsel's motion to withdraw is granted. The judgment adjudicating guilt is affirmed.

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Chari L. Kelly, Justice

Before Chief Justice Rose, Justices Kelly and Smith

Affirmed

Filed: May 10, 2019

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