

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-20-00438-CR

Sean Patrick Nelson, Appellant

v.

The State of Texas, Appellee

**FROM THE 27TH DISTRICT COURT OF LAMPASAS COUNTY
NO. 10039, THE HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

MEMORANDUM OPINION

On August 17, 2020, Sean Patrick Nelson entered an open plea of “guilty” in the district court’s cause number 10039 to a count of bail jumping/failure to appear. *See* Tex. Penal Code § 38.10. The trial court accepted Nelson’s plea and found him guilty of the offense. After reviewing a presentencing report and hearing evidence, the trial court sentenced Nelson to ten years’ imprisonment.

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, 81–82 (1988). Specifically, counsel analyzed nine possible bases for appeal and found that each lacked merit.

Appellant’s counsel has certified to this Court that he sent copies of the motion and brief to appellant, advised appellant of his right to examine the appellate record and file a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014); *see also Anders*, 386 U.S. at 744. To date, appellant has not filed such a brief.

We have conducted an independent review of the record—including the record of the trial proceedings below and counsel’s brief—and have found 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 therefore agree with counsel that the record presents no arguably meritorious ground for review. We grant counsel’s motion to withdraw from the case and affirm the judgment of conviction.

Edward Smith, Justice

Before Chief Justice Byrne, Justice Baker and Smith

Affirmed

Filed: June 30, 2021

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