



NUMBER 13-16-00343-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

IN THE MATTER OF J.E.A. JR., A JUVENILE

**On appeal from the 25th District Court
of Gonzales County, Texas.**

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Longoria and Hinojosa
Memorandum Opinion by Chief Justice Valdez**

After a jury trial, appellant J.E.A. Jr., a juvenile, was adjudged to have engaged in delinquent conduct by committing the second degree felony offense of aggravated assault with a deadly weapon. See TEX. FAM. CODE ANN. § 51.03(a)(1) (West, Westlaw through 2017 R.S.) (defining delinquent conduct as conduct that violates a Texas penal law punishable by imprisonment); TEX. PENAL CODE ANN. § 12.33 (West, Westlaw through 2017 R.S.) (providing that a second degree felony is punishable by imprisonment); see *also* TEX. PENAL CODE ANN. § 22.02 (West, Westlaw through 2017 R.S.). Thereafter, the trial court entered an order committing J.E.A. to the Texas Juvenile Justice Department

on an indeterminate sentence. See TEX. FAM. CODE ANN. § 54.0411(c)(1) (West, Westlaw through 2017 R.S.). We affirm.

I. ANDERS BRIEF

J.E.A.'s court-appointed counsel has filed an *Anders* brief and a motion to withdraw as counsel, stating that his review of the record yielded no grounds of error upon which an appeal can be predicated. See *Anders v. California*, 386 U.S. 738, 744 (1967); see also *In re D.A.S.*, 973 S.W.2d 296, 298 (Tex. 1998) (orig. proceeding) (applying the procedures enumerated in *Anders* to juvenile appeals). Counsel's brief meets the requirements of *Anders* as it presents a professional evaluation demonstrating why there are no arguable grounds to advance on appeal. See *In re Schulman*, 252 S.W.3d 403, 407 n.9 (Tex. Crim. App. 2008) (holding that an *Anders* brief need not specifically advance arguable points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.).

In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978), J.E.A.'s appointed counsel carefully discussed why, under controlling authority, there are no errors in the trial court's judgment. Counsel has informed this Court that he has: (1) examined the record and found no arguable grounds to advance on appeal, (2) served a copy of the brief and counsel's motion to withdraw on J.E.A., and (3) informed J.E.A. of his right to review the record and to file a pro se response. See *Anders*, 386 U.S. at 744; *Stafford*, 813 S.W.2d at 510 n. 3; see also *In re Schulman*, 252 S.W.3d at 409 n. 23. More than an adequate period of time has passed, and J.E.A. has not filed a pro se response. See *In re Schulman*, 252 S.W.3d at 409.

II. INDEPENDENT REVIEW

Upon receiving an *Anders* brief, we must conduct a full examination of all the proceedings to determine whether the case is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the entire record and counsel's brief and have found nothing that would arguably support an appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 826–28 (Tex. Crim. App. 2005) (observing that, due to the nature of *Anders* briefs, by indicating in the opinion that it considered the issues raised in the briefs and reviewed the record for reversible error but found none, the court of appeals met the requirement of Texas Rule of Appellate Procedure 47.1.); *Stafford*, 813 S.W.2d at 509. Accordingly, we affirm the judgment of the trial court.

III. MOTION TO WITHDRAW

In accordance with *Anders*, J.E.A.'s counsel has asked this Court for permission to withdraw as counsel for J.E.A. *Anders*, 386 U.S. at 744; see also *In re Schulman*, 252 S.W.3d at 408 n.17 (citing *Jeffery v. State*, 903 S.W.2d 776, 779–80 (Tex. App.—Dallas 1995, no pet.) (noting that “[i]f an attorney believes the appeal is frivolous, he must withdraw from representing the appellant. To withdraw from representation, the appointed attorney must file a motion to withdraw accompanied by a brief showing the appellate court that the appeal is frivolous) (citations omitted)). We grant counsel's motion to withdraw.

Within five days of the date of this Court's opinion, counsel is ordered to send a copy of the opinion and judgment to J.E.A. and to advise him of his right to file a petition for review in the Texas Supreme Court. See TEX. R. APP. P. 48.4; see also *In re*

Schulman, 252 S.W.3d at 412 n. 35; *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006).

/s/ Rogelio Valdez
ROGELIO VALDEZ
Chief Justice

Delivered and filed the
29th day of June, 2017.