

NO. 12-11-00282-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

*CHARLES ANTHONY GILL,
APPELLANT*

§

APPEAL FROM THE 294TH

V.

§

JUDICIAL DISTRICT COURT

*THE STATE OF TEXAS,
APPELLEE*

§

VAN ZANDT COUNTY, TEXAS

***MEMORANDUM OPINION
PER CURIAM***

Charles Anthony Gill appeals the revocation of his deferred adjudication community supervision, following which he was sentenced to imprisonment for life. Appellant’s counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Thereafter, Appellant filed a pro se brief. We affirm.

BACKGROUND

Appellant was charged by indictment with injury to a child and pleaded “guilty.” The trial court deferred finding Appellant “guilty” and placed him on community supervision for five years.

Subsequently, the State filed a motion to revoke Appellant’s community supervision alleging that Appellant had violated certain terms and conditions thereof. On July 13, 2011, a hearing was conducted on the State’s motion. At the conclusion of the hearing, the trial court found that Appellant had violated multiple terms and conditions of his community supervision as alleged in the State’s motion. Thereafter, the trial court revoked Appellant’s community supervision, adjudicated him “guilty” of injury to a child, and sentenced him to imprisonment for

life. This appeal followed.

ANALYSIS PURSUANT TO ANDERS V. CALIFORNIA

Appellant's counsel filed a brief in compliance with *Anders v. California* and *Gainous v. State*. Appellant's counsel states that he has diligently reviewed the appellate record and is of the opinion that the record reflects no reversible error and that there is no error upon which an appeal can be predicated. He further relates that he is well acquainted with the facts in this case. In compliance with *Anders*, *Gainous*, and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978), Appellant's *Anders* brief presents a chronological summation of the procedural history of the case and further states that Appellant's counsel is unable to raise any arguable issues for appeal.

Appellant subsequently filed a pro se brief in which he raised the following issues:¹

- (1) he is not guilty of the underlying offense of injury to a child;
- (2) he was denied his right to a speedy trial;
- (3) his guilty plea was not a product of his exercising his own free will because his trial counsel coerced him into pleading "guilty" so that he could receive community supervision;
- (4) he received ineffective assistance of counsel in the underlying proceeding, which resulted in his pleading "guilty";
- (5) he received ineffective assistance of counsel at the hearing on the State's motion to proceed to final adjudication;
- (6) he was denied a fair hearing on the State's motion to adjudicate due to prosecutorial misconduct;
- (7) certain alleged violations of his community supervision should have been excused because he attempted to have his community supervision transferred to a more convenient office and attempted to pay fees under the terms of his community supervision, but his payments were not accepted; and
- (8) the trial court abused its discretion in revoking his community supervision.

We have reviewed the record for reversible error and have found none. See *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

¹ We have construed Appellant's brief and interpreted the issues raised therein liberally in the interest of justice.

CONCLUSION

As required by *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991), Appellant's counsel has moved for leave to withdraw. *See also In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding). We carried the motion for consideration with the merits. Having done so and finding no reversible error, Appellant's counsel's motion for leave to withdraw is hereby *granted* and the trial court's judgment is *affirmed*.

As a result of our disposition of this case, Appellant's counsel has a duty to, within five days of the date of this opinion, send a copy of the opinion and judgment to Appellant and advise him of his right to file a petition for discretionary review. *See* TEX. R. APP. P. 48.4; *In re Schulman*, 252 S.W.3d at 411 n.35. Should Appellant wish to seek review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review on his behalf or he must file a petition for discretionary review pro se. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the Texas Court of Criminal Appeals. *See* TEX. R. APP. P. 68.3(a). Any petition for discretionary review should comply with the requirements of Texas Rule of Appellate Procedure 68.4. *See In re Schulman*, 252 S.W.3d at 408 n.22.

Opinion delivered August 31, 2012.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



**COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT**

AUGUST 31, 2012

NO. 12-11-00282-CR

CHARLES ANTHONY GILL,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 294th Judicial District Court
of Van Zandt County, Texas. (Tr.Ct.No. CR06-00311)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that Appellant's counsel's motion to withdraw is **granted**, the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.