

**NOS. 12-11-00298-CR
12-11-00299-CR**

**IN THE COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT
TYLER, TEXAS**

<i>JEFFREY WRIGHT, APPELLANT</i>	§	<i>APPEALS FROM THE 114TH</i>
V.	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS, APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

Jeffrey Dock Wright¹ appeals his convictions for possession of a controlled substance and evading arrest by vehicle. Appellant’s counsel has filed a brief asserting 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 indicted for possession of a controlled substance² and evading arrest with a

¹ Appellant claims that his name is spelled incorrectly in the appellate record. We note that in the clerk’s record, including documents and motions filed by his own attorney, Appellant’s name appears as “Jeffrey Dock Wright.” The exceptions consist of the bail bond and the order setting Appellant’s trial date. Appellant informs us that the correct spelling is “Jeffery Dock Wright.” In the arrest record report, which is also in the clerk’s record, Appellant’s name is spelled as “Jeffrey Dock Wright,” although the report lists “Jeffery Dock Wright” as an alias. Appellant’s middle name also has different spellings according to the arrest report. We will refer to Appellant by the name presented in the indictments and in the trial court’s judgments, i.e. “Jeffrey Dock Wright.”

² See TEX. HEALTH & SAFETY CODE ANN. § 481.115 (West 2010).

vehicle.³ As alleged in the indictments, both offenses were classified as state jail felonies at the time that they were committed.⁴ Appellant pleaded not guilty to the charges in the two indictments, waived his right to a jury trial, and proceeded to a bench trial.

At the trial, Sergeant Randy Meadows from the narcotics division of the Smith County Sheriff's Office testified that the district attorney called his office for assistance in locating an informant. Sergeant Meadows and his partner, Detective Ralph Caraway, located the informant driving a vehicle, with a passenger later identified as Appellant, at a hotel in Tyler, Texas. At the time, Sergeant Meadows and Detective Caraway were in an unmarked police unit, wearing plain clothes. The officers notified other law enforcement officers that the informant had been located.

Moments later, the officers observed the informant and Appellant leave the hotel. The officers followed the vehicle. After traveling a short distance, the informant turned into a parking lot, at which time she and Appellant changed places. Sergeant Meadows pulled alongside the vehicle and attempted to contact Appellant and the informant. However, at that moment, Appellant made a u-turn in the parking lot and headed back toward the roadway. Sergeant Meadows testified that while executing the turn, Appellant spun his tires, failed to stop at a stop sign, and began accelerating quickly and speeding as soon as he entered the roadway.

This information was passed on to other police officers. Marked police vehicles, including one operated by Deputy Darrell Robertson, joined the chase. Appellant continued to speed for approximately one or two miles, even though marked police units were behind him with their lights and sirens activated, and were clearly in pursuit of him. Appellant failed to stop, and after obtaining clearance, Deputy Robertson employed the "pit maneuver" to stop Appellant's vehicle. After the vehicle was stopped, Appellant was arrested. In a search conducted after the arrest, officers discovered a small amount of cocaine in the front pocket of Appellant's pants.

At the trial, the main defensive issue was Appellant's motion to suppress. The trial court denied the motion. At the conclusion of the bench trial, the trial court found him guilty of the charged offenses, and sentenced him to two years of confinement in a state jail facility and a \$10,000.00 fine on each offense. This appeal followed.

³ See TEX. PENAL CODE ANN. § 38.04 (West Supp. 2011).

⁴ An evading arrest by vehicle offense committed on or after September 1, 2011, is a third degree felony. See TEX. PENAL CODE ANN. § 38.04(b)(2)(A) (West Supp. 2011).

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

Appellant's counsel has filed a brief in compliance with *Anders* and *Gainous*. Counsel states that he has diligently reviewed the appellate record and that he is well acquainted with the facts of this case. In compliance with *Anders*, *Gainous*, and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978), counsel's brief presents a thorough chronological summary of the procedural history of the case and further states that counsel is unable to present any arguable issues for appeal. See *Anders*, 386 U.S. at 745, 87 S. Ct. at 1400; see also *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 350, 102 L. Ed. 2d 300 (1988).

Appellant has filed a pro se brief in which he raises several issues. He appears to complain that although he had time to review the record in drafting his appellate brief, he did not have access to a law library at the time and could not read the record appropriately because he was in handcuffs. Appellant also appears to complain that his appellate lawyer did not come see him to discuss his case and seeks appointment of new counsel. Appellant argues for the first time that the spelling of his name is incorrect in the indictments and the judgments. He also contends that the evidence is insufficient to show that he was under arrest or detention as required for the evading arrest conviction, and that the evidence is also insufficient to show that he knew the persons attempting to detain or arrest him were law enforcement officers. Finally, he argues that Sergeant Meadows's testimony was based on hearsay.

We have considered counsel's brief and Appellant's pro se brief, and have conducted our own independent review of the record. We have found no reversible error. See *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

CONCLUSION

As required, Appellant's counsel has moved for leave to withdraw. See *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We are in agreement with Appellant's counsel that the appeal is wholly frivolous. Accordingly, his motion for leave to withdraw is hereby **granted**, and we **affirm** the trial court's judgment. See TEX. R. APP. P. 43.2.

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 further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or he must file a pro se petition for discretionary review. *See In re Schulman*, 252 S.W.3d at 408 n.22. 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 clerk of 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 Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4; *In re Schulman*, 252 S.W.3d at 408 n.22.

Opinion delivered May 16, 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**

MAY 16, 2012

**NOS. 12-11-00298-CR
12-11-00299-CR**

JEFFREY WRIGHT,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeals from the 114th Judicial District Court of
Smith County, Texas. (Tr.Ct.Nos. 114-0785-11; 114-0786-11)

THESE CAUSES 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 were no errors in the judgments.

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

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

THE STATE OF TEXAS M A N D A T E

TO THE 114TH DISTRICT COURT of SMITH COUNTY, GREETING:

Before our Court of Appeals for the 12th Court of Appeals District of Texas, on the 16th day of May, 2012, the cause upon appeal to revise or reverse your judgment between

JEFFREY WRIGHT, Appellant

**NOS. 12-11-00298-CR; Trial Court No. 114-0785-11
12-11-00299-CR; Trial Court No. 114-0786-11**

By *per curiam* opinion.

THE STATE OF TEXAS, Appellee

was determined; and therein our said Court made its order in these words:

“THESE CAUSES 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 were no errors in the judgments.

It is therefore ORDERED, ADJUDGED and DECREED that the judgments of the court below be in all things affirmed, Appellant’s counsel’s motion for leave to withdraw is hereby granted; and that this decision be certified to the trial court below for observance.”

WHEREAS, WE COMMAND YOU to observe the order of our said Court of Appeals for the Twelfth Court of Appeals District of Texas in this behalf, and in all things have it duly recognized, obeyed, and executed.

WITNESS, THE HONORABLE JAMES T. WORTHEN, Chief Justice of our Court of Appeals for the Twelfth Court of Appeals District, with the Seal thereof affixed, at the City of Tyler, this the _____ day of _____, 201____.



CATHY S. LUSK, CLERK

By: _____
Deputy Clerk