

**NOS. 12-16-00253-CR
12-16-00254-CR**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***ADRIAN DEON THOMPSON,
APPELLANT***

§ ***APPEAL FROM THE 7TH***

V.

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,
APPELLEE***

§ ***SMITH COUNTY, TEXAS***

***MEMORANDUM OPINION
PER CURIAM***

Adrian Deon Thompson appeals his convictions for online solicitation of a minor and tampering with evidence. Appellant’s counsel filed briefs in each case 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). We affirm.

BACKGROUND

A school employee observed Appellant, a youth mentor at a local church, picking up a thirteen year old student who did not have permission to leave the campus. The student attended the same church as Appellant. During their subsequent investigation, the police learned that Appellant sent several text messages and other communications in an attempt to commence a sexual relationship with the student. Appellant remotely “wiped” the data from his cell phone after the authorities obtained it. However, the police were able to obtain the communications because Appellant’s phone data was saved on his computer. Appellant was indicted for online

solicitation of a minor, a second degree felony, along with tampering with evidence, a third degree felony.¹

Appellant rejected a plea offer by the State, made an open plea of “guilty” to both charges, and elected that the trial court assess his punishment. After a punishment hearing, the trial court assessed Appellant’s punishment at thirteen years of imprisonment for the solicitation of a minor charge and eight years of imprisonment for the tampering with evidence charge. This appeal followed.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

Appellant’s counsel filed briefs in compliance with *Anders v. California* and *Gainous v. State*. Appellant’s counsel relates that he has reviewed the record and found no error to present for our review. He further relates that he is well acquainted with the facts in these cases. In compliance with *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978), Appellant’s briefs contain a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced.² We have likewise reviewed the record for reversible error and have found none.

CONCLUSION

As required by *Anders* and *Stafford v. State*, 813 S.W.2d 503, 511 (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 motions for consideration with the merits. Having done so, we agree with Appellant’s counsel that the appeals are wholly frivolous. Accordingly, we **grant** counsel’s motions for leave to withdraw and **affirm** the judgments of the trial court.

¹ See TEX. PENAL CODE ANN. §§ 33.021(c), (f); 37.09(c) (West 2016).

² In compliance with *Kelly v. State*, Appellant’s counsel provided Appellant with a copy of the briefs, notified Appellant of his motions to withdraw as counsel, informed Appellant of his right to file a pro se response, and took concrete measures to facilitate Appellant’s review of the appellate record. 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). Appellant was given time to file his own brief. The time for filing such a brief has expired and no pro se brief has been filed.

Appellant's counsel has a duty to, within five days of the date of this opinion, send a copy of the opinion and judgments 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 these cases 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 pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of this court's judgments or the date the last timely motion for rehearing was overruled by this court. See TEX. R. APP. P. 68.2(a). 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 Rule 68.4 of the Texas Rules of Appellate Procedure. See *In re Schulman*, 252 S.W.3d at 408 n.22.

Opinion delivered September 13, 2017.

Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(DO NOT PUBLISH)



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 13, 2017

NO. 12-16-00253-CR

ADRIAN DEON THOMPSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 007-0376-16)

THIS CAUSE came to be heard on the appellate record and brief 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 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., Hoyle, J. and Neeley, J.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

SEPTEMBER 13, 2017

NO. 12-16-00254-CR

ADRIAN DEON THOMPSON,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 7th District Court
of Smith County, Texas (Tr.Ct.No. 007-0377-16)

THIS CAUSE came to be heard on the appellate record and brief 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 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., Hoyle, J. and Neeley, J.