

**NO. 12-19-00164-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

**DAVID BRANDON WILLIAMS,  
APPELLANT**

§ **APPEAL FROM THE 7TH**

**V.**

§ **JUDICIAL DISTRICT COURT**

**THE STATE OF TEXAS,  
APPELLEE**

§ **SMITH COUNTY, TEXAS**

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**MEMORANDUM OPINION  
PER CURIAM**

David Brandon Williams appeals the trial court’s judgment adjudicating him guilty of possession of a controlled substance. 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). We affirm.

**BACKGROUND**

Appellant was charged by indictment with possession of methamphetamine in an amount of one gram or more but less than four grams.<sup>1</sup> Pursuant to a plea agreement with the State, he pleaded “guilty” to the indictment and the trial court deferred a finding of guilt and placed him on community supervision for a term of eight years. Subsequently, the State filed a motion to adjudicate guilt alleging that Appellant violated his community supervision conditions by (1) consuming methamphetamine, (2) failing to report to his supervision officer as directed, (3) failing to pay for urinalysis testing, monthly supervision fees, and court costs, (4) failing to submit to urinalysis testing, (5) failing to perform community service restitution, and (5) failing to attend

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<sup>1</sup> A third-degree felony. See TEX. HEALTH & SAFETY CODE ANN. § 481.115(c) (West 2017).

drug counseling. Appellant stipulated to the evidence and pleaded “true” to the allegations. After a hearing, at which there was no testimony as to the allegations in the State’s motion, the trial court found the allegations true, found Appellant guilty, and assessed his punishment at imprisonment for six years. 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 relates that he reviewed the record and found no arguable, nonfrivolous issues for our review. In compliance with *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978), Appellant’s brief contains a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced.<sup>2</sup>

We have considered counsel’s brief and conducted our own independent review of the record. *Id.* at 811. We have found no reversible error.

#### CONCLUSION

As required by *Anders* and *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991), Appellant’s counsel 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, we agree with Appellant’s counsel that the appeal is wholly frivolous. Accordingly, we *grant* counsel’s motion for leave to withdraw and *affirm* the judgment of the trial court.

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 pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty

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<sup>2</sup> In compliance with *Kelly v. State*, Appellant’s counsel provided Appellant with a copy of the brief, notified Appellant of his motion 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 brief has expired and no pro se brief has been filed.

days from the date of either this opinion or the date that 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 February 19, 2020.

*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**

**FEBRUARY 19, 2020**

**NO. 12-19-00164-CR**

**DAVID BRANDON WILLIAMS,**

Appellant

V.

**THE STATE OF TEXAS,**

Appellee

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Appeal from the 7th District Court  
of Smith County, Texas (Tr.Ct.No. 007-1369-15)

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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.*