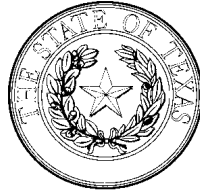


Opinion issued July 9, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00431-CR

NO. 01-19-00432-CR

JESSE TYRONE BAILY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 51st District Court
Tom Green County, Texas¹
Trial Court Cause Nos. A-15-0258-SB and A-15-0061-SA**

MEMORANDUM OPINION

¹ The Texas Supreme Court transferred these appeals from the Court of Appeals for the Third District of Texas. *See* TEX. GOV'T CODE § 73.001 (authorizing transfer of cases between courts of appeals).

Appellant, Jesse Tyrone Baily, pleaded guilty, with an agreed recommendation from the State, to the offenses of aggravated assault with a deadly weapon and evading arrest. TEX. PENAL CODE §§ 22.02(a)(1), 38.04. The trial court found sufficient evidence to find appellant guilty but deferred making any finding regarding appellant's guilt and placed him on community supervision for a period of two years in each case. The State then filed a motion to adjudicate appellant's guilt in both cases alleging multiple violations of the terms of appellant's community supervision. Appellant pleaded not true to alleged violations. After a hearing, the trial court found that appellant committed violations of his community supervision, adjudicated appellant guilty, and sentenced appellant to 10 years' confinement in the aggravated-assault-with-a-deadly-weapon case and 365 days' confinement in the evading-arrest case. *See id.*; TEX. PENAL CODE §§ 12.33, 12.35. Appellant timely filed notices of appeal.

Appellant's appointed counsel on appeal has filed motions to withdraw, along with a brief stating that the record presents no reversible error and the appeals are without merit and are frivolous. *See Anders v. California*, 386 U.S. 738 (1967).

Counsel's brief meets the *Anders* requirements by presenting a professional evaluation of the record and supplying us with references to the record and legal authority. 386 U.S. at 744; *see also High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978). Counsel indicates that he has thoroughly reviewed the record and he is

unable to advance any grounds of error that warrant reversal. *See Anders*, 386 U.S. at 744; *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.).

We have independently reviewed the entire record in these appeals, and we conclude that no reversible error exists in the record, there are no arguable grounds for review, and the appeals are frivolous. *See Anders*, 386 U.S. at 744 (emphasizing that reviewing court—and not counsel—determines, after full examination of proceedings, whether appeal is wholly frivolous); *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009) (stating reviewing court must determine whether arguable grounds for review exist); *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (same); *Mitchell*, 193 S.W.3d at 155 (noting reviewing court determines whether arguable grounds exist by reviewing entire record). We note that an appellant may challenge a holding that there are no arguable grounds for appeal by filing a petition for discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe*, 178 S.W.3d at 827 & n.6.

We affirm the judgments of the trial court and grant counsel’s motions to withdraw.² Attorney Jimmy Stewart must immediately send appellant the required

² Appointed counsel still has a duty to inform appellant of the result of this appeal and that he may, on his own, pursue discretionary review in the Texas Court of Criminal Appeals. *See Ex Parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997).

notice and file a copy of the notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c).

PER CURIAM

Panel consists of Chief Justice Radack and Justices Lloyd and Countiss.

Do not publish. TEX. R. APP. P. 47.2(b).