



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-19-00149-CR

CLINTON RYAN WARD, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 114th District Court
Smith County, Texas
Trial Court No. 114-1506-18

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Justice Burgess

MEMORANDUM OPINION

Clinton Ryan Ward was convicted by a Smith County¹ jury of aggravated assault while exhibiting a deadly weapon² and sentenced to twenty years' imprisonment.

Ward's appellate attorney filed a brief setting out the procedural history of the case, summarizing the evidence elicited during the course of the trial court proceedings, and concluding that the appellate record presents no arguable grounds to be raised on appeal. Counsel has filed a brief pursuant to *Anders v. California*, and he has provided a professional evaluation of the record demonstrating why there are no plausible appellate issues to be advanced. *See Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

Counsel represented that he had sent a copy of the brief to Ward, provided him with a copy of the record, and advised Ward of his right to review the record and to file a pro se response. On September 26, this Court notified Ward that his pro se motion for access to the record was due on or before October 11. On October 16, this Court informed Ward that his pro se response was due on or before November 15. On December 2, the Court further informed Ward that this case had been set for submission on the briefs on December 23.

¹Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. *See* TEX. GOV'T CODE ANN. § 73.001. We are unaware of any conflict between precedent of the Twelfth Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

²*See* TEX. PENAL CODE. ANN. § 22.02(a)(2).

On December 31, 2019, we issued our original memorandum opinion in this case. On January 9, 2020, we received Ward's request to file a pro se response. In his request, Ward represented that his counsel had not sent him a copy of his counsel's brief, or a motion for access to the record, and that his counsel had not advised him of his right to review the record and to file a pro se brief. He also alleged that he had been transferred to a different prison facility and that the notices that this Court had sent to him had not been timely forwarded to him.

Based on Ward's representations, by letter dated January 9, 2020, we provided Ward with a copy of the appellate record. On January 14, 2020, we withdrew our original memorandum opinion. By letter dated January 21, 2020, we advised Ward of the withdrawal of our original opinion, and we granted him an extension of time to file his pro se response. Ward has filed a pro se response. Although it alleges that his trial counsel's assistance was ineffective, the response fails to cite any authority or to raise a genuinely arguable issue.

Having reviewed the record and the pro se response, we have determined that this appeal is wholly frivolous. We have reviewed the entire appellate record and have independently determined that no reversible error exists. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). In the *Anders* context, once we determine that the appeal is without merit, we must affirm the trial court's judgment. *Id.*

We affirm the trial court's judgment.³

Ralph K. Burgess
Justice

Date Submitted: May 15, 2020
Date Decided: June 12, 2020

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³Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, appellant must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.