

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-20-00079-CR

Ralph Sherman Wilkins, Appellant

v.

The State of Texas, Appellee

**FROM THE 119TH DISTRICT COURT OF TOM GREEN COUNTY
NO. B-19-0502-SB, THE HONORABLE BEN WOODWARD, JUDGE PRESIDING**

MEMORANDUM OPINION

Ralph Sherman Wilkins was charged with possession of less than one gram of a controlled substance (methamphetamine) following a traffic stop. *See* Tex. Health & Safety Code §§ 481.102(6), .115(a)-(b). The indictment also contained enhancement paragraphs alleging prior felony convictions for sexual assault and aggravated assault with a deadly weapon. *See* Tex. Penal Code §§ 22.01, .011, .02. After being charged, Wilkins pleaded guilty to the charged offense, pleaded true to the two enhancement allegations, and signed a judicial confession stating that he “did then and there intentionally and knowingly possess a controlled substance, namely methamphetamine, in an amount of less than one gram.” *See Weatherspoon v. State*, No. 03-15-00237-CR, 2016 WL 3919673, at *2 (Tex. App.—Austin July 15, 2016, pet. ref’d) (mem. op., not designated for publication) (explaining “that a stipulation to the truth of the indictment’s allegations can support a conviction on a guilty plea”). Further, Wilkins signed a stipulation stating that the lab report setting out the results of drug testing performed on the suspected

contraband was “true and accurate.” Although the lab report is not included in the record, the trial court, Wilkins’s attorney, and the State all mentioned during the hearing that the lab report showed that the substance seized during the traffic stop was 0.03 grams of methamphetamine.

During the unitary plea and punishment hearing, one of the police officers who conducted the traffic stop testified that he found “a methamphetamine pipe” and “a small clear plastic bag” with a substance inside it when he searched Wilkins’s jacket and that testing performed on the substance provided a presumptive positive result for methamphetamine. In addition, at the hearing, multiple judgments for Wilkins’s prior convictions were admitted into evidence, and Wilkins admitted at the hearing that he had previously been convicted twenty-three times, including being convicted for committing the following offenses: evading arrest, possessing marijuana, possession of a controlled substance, driving while his license was suspended, resisting arrest, criminal mischief, escaping from custody, assault of a public servant, sexual assault, assault family violence, and aggravated assault with a deadly weapon. Further, Wilkins admitted that he had been placed on community supervision multiple times but that his community supervision was revoked in each case. After considering the evidence from the hearing, the trial court sentenced Wilkins to fourteen years’ imprisonment. *See* Tex. Penal Code §§ 12.33, .425. Wilkins appeals the trial court’s judgment of conviction.

Wilkins’s court-appointed attorney on appeal has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. Counsel’s brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. *See* 386 U.S. 738, 744-45 (1967); *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also* *Person v. Ohio*, 488 U.S. 75, 81-82 (1988) (explaining that *Anders* briefs serve purpose of “assisting the

court in determining both that counsel in fact conducted the required detailed review of the case and that the appeal is . . . frivolous”). Wilkins’s counsel has represented to the Court that he provided copies of the motion and brief to Wilkins; advised him of his right to examine the appellate record, file a pro se brief, and pursue discretionary review following the resolution of the appeal in this Court; and provided him with a form motion for pro se access to the appellate record along with the mailing address of this Court. *See Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014). Wilkins has filed a pro se brief raising several issues challenging his conviction, including asserting that he was denied effective assistance of counsel, that his right to a speedy trial was violated, that his due process rights were violated, and that his conviction was improperly supported by the testimony of a single witness.

We have independently reviewed the record and have found nothing that might arguably support the appeal. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. We agree with counsel that the appeal is frivolous and without merit. We grant counsel’s motion to withdraw and affirm the trial court’s judgment of conviction.

Thomas J. Baker, Justice

Before Chief Justice Rose, Justices Baker and Triana

Affirmed

Filed: July 15, 2020

Do Not Publish