

Affirm and Opinion Filed June 3, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00212-CR

**LAVAR DEVON TAYLOR, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 292nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F-1824508-V**

MEMORANDUM OPINION

Before Justices Molberg, Reichek, and Evans
Opinion by Justice Molberg

Lavar Devon Taylor was charged with aggravated assault with a deadly weapon under Texas Penal Code section 22.02(a)(2). Counsel was appointed to represent Taylor. Taylor pleaded not guilty, and the case proceeded to trial before a jury. The jury found Taylor guilty and assessed punishment at four years' confinement in the Institutional Division of the Texas Department of Criminal Justice. The trial court entered a judgment on November 9, 2018 consistent with the jury's verdict, and Taylor timely appealed. The trial court appointed new counsel to represent Taylor in connection with this appeal.

Following that appointment, Taylor's appellate counsel filed a motion to withdraw from Taylor's representation, supported by an *Anders* brief. *See Anders v. California*, 386 U.S. 738, 744–45 (1967). In support of her motion to withdraw, counsel asserted that she carefully reviewed the record in the case, and, in her professional opinion, the appeal is wholly frivolous because, under the controlling authorities, there are no arguable errors in the trial court's judgment and no grounds of error that might arguably support the appeal. *Id.* at 744; *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008). Counsel stated that she sent Taylor a copy of the *Anders* brief, the court's record, and her motion to withdraw and that she informed him of his right to file a pro se brief and to seek an extension of time to file a pro se brief with the court.

By letter, this court also advised Taylor of his counsel's motion and *Anders* brief and provided Taylor with a copy of his counsel's brief. The court also advised Taylor he had the right to file a pro se response to his counsel's *Anders* brief. Taylor filed a short letter with the court asking to file a pro se brief, but no brief was included with that letter. We construed that motion as a request to extend the deadline for filing a pro se motion and granted him a thirty day extension. Before his extended deadline passed, Taylor filed an additional letter with the court acknowledging his extended deadline and informing the court he did not wish to file a pro se brief. Likewise, the State did not file a brief.

ANALYSIS

As the reviewing court, we must conduct an independent evaluation of the record to determine whether counsel is correct in concluding that an appeal is frivolous. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). After reviewing the appellate record and counsel's brief, we agree with Taylor's counsel that there are no arguable errors and no plausible grounds to support the appeal.

Accordingly, we affirm the trial court's judgment and we grant counsel's motion to withdraw. *See* TEX. R. APP. P. 43.2(a).

/Ken Molberg/

KEN MOLBERG
JUSTICE

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TEX. R. APP. P. 47



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

LAVAR DEVON TAYLOR,
Appellant

No. 05-19-00212-CR V.

THE STATE OF TEXAS, Appellee

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District Court, Dallas County, Texas
Trial Court Cause No. F-1824508-V.
Opinion delivered by Justice
Molberg. Justices Reichek and Evans
participating.

Based on the Court's opinion of this date, the judgment of the trial court is
AFFIRMED.

Judgment entered this 3rd day of June, 2020.