

GRANT and AFFIRM and Opinion Filed June 23, 2020



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

No. 05-19-00897-CR

**RANDALL PHILLIP SERMAN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 416th Judicial District Court
Collin County, Texas
Trial Court Cause No. 416-80922-2016**

MEMORANDUM OPINION

**Before Justices Bridges, Pedersen, III, and Evans
Opinion by Justice Bridges**

The State indicted appellant Randall Phillip Serman for retaliation/threatening to harm a public servant under Texas Penal Code section 36.06(c). On August 25, 2016, appellant pleaded guilty and the trial court sentenced him to five years deferred adjudication, a \$1,000 fine, and other conditions including community service, anger management classes, psychological testing, and random drug testing among others.¹

¹ A nunc pro tunc deferred adjudication was entered on September 16, 2016. An amended conditions of supervision was entered on January 11, 2017 regarding appellant's participation in the GPS program. After further failures to comply with the GPS program, amended conditions of supervision were entered on March 6, 2017, June 2, 2017, and July 14, 2017.

The State filed a motion to revoke probation and adjudicate guilt on October 11, 2017 citing noncompliance with several probation terms. Appellant pleaded true to the State's allegations on July 1, 2019. After a hearing, the trial court granted the State's motion, adjudicated guilt, and sentenced appellant to eight years' imprisonment.

On appeal, appellant's court-appointed attorney filed a brief in which she concludes the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967); see *Murphy v. State*, 111 S.W.3d 846, 849 (Tex. App.—Dallas 2003, no pet.). The brief presents a professional evaluation of the record, including the identification of one potential non-frivolous issue and an analysis concluding the issue is not arguable and that the appeal is wholly frivolous. See *High v. State*, 572 S.W.2d 807, 811 (Tex. Crim. App. [Panel Op.] 1978).

Counsel delivered to appellant a copy of the motion to withdraw, the brief, and information regarding appellant's rights. We also notified appellant, by letter, of his right to review the appellate record and file a *pro se* response by January 3, 2020. No response was filed by appellant.

We have reviewed the record and counsel's brief. See *Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005) (explaining appellate courts' duties in *Anders* cases). We agree that the appeal is frivolous and without merit. We find

nothing in the record that might arguably support the appeal. Therefore, we grant counsel's motion to withdraw and affirm the trial court's judgment.

/David L. Bridges/

DAVID L. BRIDGES
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

RANDALL PHILLIP SERMAN,
Appellant

No. 05-19-00897-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 416th Judicial
District Court, Collin County, Texas
Trial Court Cause No. 416-80922-
2016.

Opinion delivered by Justice Bridges.
Justices Pedersen, III and Evans
participating.

Based on the Court's opinion of this date, Maria Tsao Tu's motion to withdraw as counsel is **GRANTED**, and the judgment of the trial court is **AFFIRMED**.

Judgment entered June 23, 2020