

AFFIRMED and Opinion Filed July 30, 2020



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

**No. 05-19-00869-CR
No. 05-19-00880-CR**

BILLY RIVERS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 194th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F-1775109-M & F-1771817-M**

MEMORANDUM OPINION

**Before Justices Myers, Partida-Kipness, and Reichel
Opinion by Justice Reichel**

Billy Rivers appeals two convictions for family violence assault enhanced with a previous conviction. In both cases, appellant pleaded guilty pursuant to a plea bargain agreement for an agreed disposition of four years' deferred adjudication community supervision probation. On June 21, 2019, the State filed motions in both cases to revoke probation or proceed with an adjudication of guilt alleging appellant had violated multiple terms of his community supervision. Appellant entered open pleas of true to the allegations with signed judicial confessions. In a single proceeding on both motions, the trial court found the allegations true, adjudicated

appellant guilty, and sentenced him to eight years' imprisonment in each case, with the sentences to run concurrently. In response to letters from appellant, the trial court subsequently signed nunc pro tunc orders correcting the judgments to modify the amount of back time credit to reflect that appellant had been incarcerated since October 25, 2018.

On appeal, appellant's court-appointed appellate counsel has filed briefs in which he has concluded the appeals are wholly frivolous and without merit. He has also filed accompanying motions to withdraw as appointed counsel. When an appellate court receives an *Anders* brief asserting no arguable grounds for appeal exist, we must determine that issue independently by conducting our own review of the record. *See Anders v. California*, 386 U.S. 738, 744 (1967) (emphasizing that the reviewing court, and not appointed counsel, determines, after full examination of proceedings, whether the case is "wholly frivolous"); *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (quoting *Anders*). If we conclude, after conducting an independent review, that "appellate counsel has exercised professional diligence in assaying the record for error" and agree the appeal is frivolous, we should grant counsel's motion to withdraw and affirm the trial court's judgment. *In re Schulman*, 252 S.W.3d 403, 409 (Tex. Crim. App. 2008); *Meza v. State*, 206 S.W.3d 684, 689 (Tex. Crim. App. 2006).

The brief before us meets the requirements of *Anders*. It presents a professional evaluation of the record showing why there are no arguable grounds to

advance. *See High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets requirements of *Anders*). Counsel attests that he sent copies of his motions to withdraw and the briefs in support of those motions to appellant. We advised appellant by letter of his right to file a pro se response, but no response was filed. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (appellant has right to file pro se response to *Anders* brief filed by counsel).

We have reviewed the record in each case and counsel’s briefs. *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 appeals are frivolous and without merit. We find nothing in the record that might arguably support the appeals. Therefore, we grant counsel’s motion to withdraw and affirm the trial court’s judgments.

/Amanda L. Reichek/
AMANDA L. REICHEK
JUSTICE

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

JUDGMENT

BILLY RIVERS, Appellant

No. 05-19-00869-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 194th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F-1775109-M.
Opinion delivered by Justice
Reichek. Justices Myers and Partida-
Kipness participating.

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

Judgment entered July 30, 2020.



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

JUDGMENT

BILLY RIVERS, Appellant

No. 05-19-00880-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 194th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F-1771817-M.
Opinion delivered by Justice
Reichek. Justices Myers and Partida-
Kipness participating.

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

Judgment entered July 30, 2020