



Appendix A 1

JOHN M. BAILEY
CHIEF JUSTICE

MIKE WILLSON
JUSTICE

KEITH STRETCHER
JUSTICE

**Court of Appeals
Eleventh District of Texas**

100 WEST MAIN STREET, SUITE 300
P. O. BOX 271
EASTLAND, TEXAS 76448

SHERRY WILLIAMSON
CLERK

TELE: 254/629-2638

FAX: 254/629-2191

sherry.williamson@txcourts.gov
www.txcourts.gov/11thcoa

April 18, 2019

Michael Bloch, Assistant
Ector County District Attorney's Office
300 N. Grant, Room 305
Odessa, TX 79761
* DELIVERED VIA E-MAIL *

William Edwards
3801 Silo Road
Bonham, TX 75418

R. N. (Bobby) Bland, District Attorney
Ector County District Attorney's Office
300 N. Grant, Room 305
Odessa, TX 79761
* DELIVERED VIA E-MAIL *

Mike Holmes
413 North Grant Avenue
Odessa, TX 79761
* DELIVERED VIA E-MAIL *

RE: Appellate Case Number: 11-18-00283-CR
Trial Court Case Number: A-16-1432-CR
Style: William Edwards v. The State of Texas

The Court has this day **AFFIRMED** the judgment of the trial court in the above cause.

The Court has also this day **GRANTED** Appellant's "Motion to Withdraw as Counsel." As of this day, Mike Holmes will be removed from the docket.

Copies of the Court's opinion and judgment are attached.

Appellant is advised that a Petition for Discretionary Review may be filed with the Clerk, Court of Criminal Appeals, Austin, Texas. No copy is required for the Eleventh Court of Appeals.

Respectfully yours,

Sherry Williamson

Sherry Williamson, Clerk

cc: District Clerk - Ector County (DELIVERED VIA E-MAIL)
Dean Rucker, Administrative Judge (DELIVERED VIA E-MAIL)
Denn Whalen, Judge (DELIVERED VIA E-MAIL)

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enclosed in envelope

Appendix A2

Opinion filed April 18, 2019



In The

Eleventh Court of Appeals

No. 11-18-00283-CR

WILLIAM EDWARDS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 70th District Court

Ector County, Texas

Trial Court Cause No. A-16-1432-CR

MEMORANDUM OPINION

Appellant, William Edwards, originally pleaded guilty to the offense of aggravated assault with a deadly weapon against a person with whom he had a dating or family relationship. Pursuant to the terms of the plea agreement, the trial court deferred a finding of guilt and placed Appellant on community supervision for eight years and fine of \$500. The State subsequently filed a motion to adjudicate Appellant's guilt. At a hearing on that motion, Appellant pleaded true to two of the State's allegations. The State and Appellant presented additional evidence. At the

end of that hearing, the trial court found all of the allegations to be true, revoked Appellant's community supervision, adjudicated Appellant guilty of the charged offense, and assessed his punishment at confinement for fifteen years and the previously unpaid fine of \$500. We affirm.

Appellant's court-appointed counsel has filed a motion to withdraw. The motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and states that he has concluded that this appeal is frivolous and without merit. Counsel has provided Appellant with a copy of the brief, a copy of the motion to withdraw, an explanatory letter, and a copy of the clerk's record and the reporter's record. Counsel advised Appellant of his right to review the record and file a response to counsel's brief. Counsel also advised Appellant of his right to file a pro se petition for discretionary review in order to seek review by the Texas Court of Criminal Appeals. Court-appointed counsel has complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008); and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991).

Appellant has filed a pro se response to counsel's *Anders* brief. Appellant asserts in his response that he is innocent and that he did not commit the crime of which he was convicted and to which he pleaded guilty. In addressing an *Anders* brief and a pro se response, a court of appeals may only determine (1) that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error or (2) that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues. *Schulman*, 252 S.W.3d at 409; *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

no trial, not
allowed to go

Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, and we agree that the appeal is without merit. We note that proof of one violation of the terms and conditions of community supervision is sufficient to support revocation. *Smith v. State*, 286 S.W.3d 333, 342 (Tex. Crim. App. 2009). In this regard, a plea of true standing alone is sufficient to support a trial court's decision to revoke community supervision and proceed with an adjudication of guilt. *See Moses v. State*, 590 S.W.2d 469, 470 (Tex. Crim. App. [Panel Op.] 1979). Furthermore, absent a void judgment, issues relating to an original plea proceeding may not be raised in a subsequent appeal from the revocation of community supervision and adjudication of guilt. *Jordan v. State*, 54 S.W.3d 783, 785–86 (Tex. Crim. App. 2001); *Manuel v. State*, 994 S.W.2d 658, 661–62 (Tex. Crim. App. 1999). Based upon our review of the record, we agree with counsel that no arguable grounds for appeal exist.

The motion to withdraw is granted, and the judgment of the trial court is affirmed.

PER CURIAM

April 18, 2019

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.

Appendix
C2

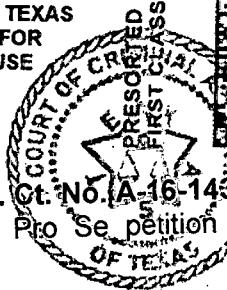
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COA No. 014018-002832CR

PD-0569-19

7/24/2019

EDWARDS, WILLIAM Tr. Ct. No. A-16-1432-CR

On this day, the Appellant's Pro Se petition for discretionary review has been refused.

Deana Williamson, Clerk

WILLIAM EDWARDS
COLE UNIT TDC # 2230309
3801 SILO ROAD
BONHAM, TX 75418

AB 75418



Appendix F1 - Please read

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1 interest in his therapy.

2 Again, no reaction.

3 On July the 12th I discharged the client
4 due to lack of participation in the program.

5 Q. So just to summarize, he never took
6 responsibility for the initial offense and what he did?

7 A. No.

8 Q. And actually he blamed the victim, and the
9 court system for what happened to him?

10 A. Yes, he did. He took absolutely no
11 responsibility. He said he was set up and therefore,
12 they were doing that to take all his things.

13 Q. And he made no measurable progress during the
14 nine sessions that you had?

15 A. None whatsoever.

16 Q. And he showed no desire to make any measurable
17 progress?

18 A. No.

19 MS. WILLIAMS: I'd pass the witness, Your
20 Honor.

21 THE COURT: Mr. Fletcher.

22 MR. FLETCHER: Thank you, Your Honor.

23

24

25

Appendix F2

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1 | **CROSS-EXAMINATION**

2 | BY MR. FLETCHER:

3 Q. Dr. Campos, what are the requirements if one is
4 going to pass your anger management class?

5 A. First of all, I'm not a doctor. I'm a licensed
6 chemical dependency counselor.

7 Q. Sorry. Mr. Campos.

8 A. What are the requirements for my anger
9 management class?

10 Q. Yes, yes, sir.

11 A. I have my own counseling service that I, that
12 I, that I have my facility certified through to do anger
13 resolution.

14 With the Probation Department, I have to
15 try to tie it in to his substance abuse history. But we
16 made an exception for him, because of his indigency.

17 He couldn't afford to, to go to any program
18 that's going to cost him money. So we did everything
19 pro bono.

20 My reasons for him coming in was because of
21 his, the nature of his offense. And I wanted to see if
22 there was anything that I could do to kind of help him
23 be successful at probation, because that's, that's what
24 :
25 our main objective is at the probation office is to help
them succeed.

Appendix F3

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1 Q. But back to my question, Mr. Campos, how does
2 one pass your anger management class?

3 If you say he failed.

4 A. Pass, well, you know, in therapy there is no
5 passing. If they participate and they take ownership of
6 their behavior. Okay? And make measurable progress.

7 Therefore, you know, the nine sessions that
8 we usually do, then they're considered to be
9 successfully completed the program.

10 Q. When you say measurable progress, what do you
11 mean?

12 A. Well, being accountable for their behavior and
13 seeing some change in the way they, they view
14 themselves.

15 Their self-esteem, their surroundings,
16 their community, taking responsibility for what they've
17 done.

18 And try to make some kind of changes, you
19 know, attitude, and behavior is what it -- I'm a
20 behaviorist.

21 Q. Yes, sir.

22 A. And that's what I, I look at.

23 Q. It's been stated today in the courtroom that
24 Mr. Edwards refused to admit his part in this assault
25 charge.

Appendix F4

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1 What if, what if he, what if he's right?

2 MS. WILLIAMS: Your Honor, I'm going to
3 object. That calls for speculation.

4 THE COURT: Sustained.

5 Q. Well, no, I mean, is it, is it not possible for
6 someone to be in your class that maybe was forced into
7 taking one of these plea agreements?

8 A. Possibility and probability is always an area
9 that's there.

10 Q. So it is possible, right?

11 A. That's the nature of the beast, so to speak.

12 Q. I'm sorry?

13 A. That's the nature of the beast. That's how --
14 this is what this world is about.

15 Q. Yes, sir.

16 So, if it's possible then for someone to be
17 in your class that was pushed into one of these
18 agreements, how can they pass your class if they won't,
19 if they won't admit it.

20 MS. WILLIAMS: Again, I'm going to object.
21 It calls for speculation.

22 THE COURT: Sustained.

23 Q. Can somebody pass your class if they won't
24 admit they're guilty?

25 A. If they take no responsibility whatsoever, I

Appendix F5

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1 can, I can usually tell by the therapy that we, that I
2 do apply.

3 I've been a counselor for 25 years, so I do
4 have a little bit of experience.

5 Q. Yes, sir.

6 So you -- and what can you tell, again?

7 A. Again, I can tell if there's going to be any
8 change in their behavior by accepting responsibility for
9 themselves.

10 A lot of times even if they don't admit
11 that they did whatever it is that they did, if they can
12 at least show that they have taken responsibility, that
13 it could be a possibility of that happening, then, you
14 know, I take that into consideration.

15 You know, there's a, there's a lot more
16 than just direct questionings.

17 We, we look at background. We talk about,
18 you know, their raising in childhood. Their, their
19 circumstances as far as, as, as being in the community.

20 Any kind of injuries they may have had.

21 One of the first things that I asked him
22 was he, if he ever had a brain injury, because that
23 could lead to a lot of anger, you know.

24 And maybe him not understanding it.

25 Sometimes, you know, when a person has a

Appendix F6

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1 lot of anger, they can go into a blackout, much as an
2 alcoholic does.

3 At that point --

4 Q. Mr. Campos, I'm sorry to interrupt, sir.

5 A. That's fine.

6 Q. I'd just like to get back to, back to a couple
7 of quick questions.

8 A. Okay.

9 Q. Now, you said earlier that it is possible for
10 someone to be in your anger management class that did
11 not do what they're charged with, correct? They were
12 pushed into one of these plea agreements.

13 Isn't it possible?

14 A. It's always -- there's always a possibility.

15 Q. Yes, sir.

16 And you also said that in order to pass
17 your class, you have to admit your responsibility?

18 A. Not exactly admit, but take responsibility for
19 behavior relating to that.

20 It's, it's the same way with anything that,
21 that's, that's given to any, any counselor.

22 I mean, if you're on probation for a DWI,
23 evidently, there was alcohol involved.

24 So if you can say, well, I don't drink. I
25 don't drink. I don't drink. But if the charge is an

Appendix F7

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1 alcohol-related offense, and the Court has sent them, or
2 put them on probation, they have agreed to probation,
3 then that themselves is an act of, of --

4 Q. I see. So if they can admit some conduct, then
5 that's progress?

6 A. Uh-huh.

7 Q. Okay. You said earlier that, at least on one
8 of your meetings with Mr. Edwards, May the 3rd, he was a
9 little more positive, and you were happy for him. He
10 was making some progress?

11 A. Yes.

12 Q. So when you say no measurable progress then, do
13 you really mean just not enough progress?

14 A. Yes, sir.

15 Q. And you said he went to nine sessions. Is nine
16 sessions how long the program is, or is that how --

17 A. That's how long the program is.

18 Q. Okay. So if somebody can't make enough
19 progress in nine sessions, then they fail?

20 A. If they don't make enough progress in the nine
21 sessions, I would ask them to continue.

22 Because it's, it's -- nine sessions is the
23 standard.

24 I've had, I've had them longer than that.

25 But within nine sessions, they usually make

Appendix F8

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1 some kind of progress.

2 Q. And you didn't think that Mr. Edwards made
3 enough progress?

4 A. No, sir, none whatsoever.

5 That one time I thought we had made a
6 breakthrough, finally. Because sometimes it takes a
7 while.

8 Therapy is not about how long we, how long
9 the program is. Okay?

10 Therapy is about how much participation the
11 individual has, and how much responsibility they take,
12 and how accountable they are for themselves.

13 And if, if, if they show something, like he
14 did at that time. He was very upbeat, you know. He was
15 positive for the first time in, in all of those
16 sessions, he was actually positive.

17 And I said, you know, I commended it on
18 him. Commended him on it.

19 And, you know, and, you know, I said to
20 myself, we've finally made some kind of breakthrough,
21 you know.

22 But the following week he went back to what
23 he had already done before, so, I mean, I don't know
24 what happened.

25 Q. Thank you, Mr. Campos.

Appendix F9

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1 MR. FLETCHER: I pass the witness.

2 MS. WILLIAMS: I don't have any further
3 questions for this witness, Your Honor.

4 The State would rest.

5 THE COURT: You may step down, sir. Thank
6 you.

7 Mr. Fletcher.

8 MR. FLETCHER: I have no further witnesses
9 to call, Your Honor.

10 The Defense rests.

11 THE COURT: State close?

12 MS. WILLIAMS: The State closes, Your
13 Honor.

14 MR. FLETCHER: The Defense closes as well.

15 THE COURT: Thank you.

16 Okay. Comments from the State?

17 MS. WILLIAMS: Your Honor, given the
18 serious nature of the offense, aggravated assault with a
19 deadly weapon, that weapon being a knife, given the fact
20 that the Defendant has shown no desire, or any
21 actionable steps to improve himself to be a productive
22 member of society with regard to his anger issues, the
23 State fears for the safety of the public and would
24 request that he be sentenced accordingly.

25 THE COURT: Mr. Fletcher.

Appendix F10

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1 MR. FLETCHER: Your Honor, I would ask the
2 Court to consider his, his homelessness, his -- the fact
3 that he's out there working, or trying to find work that
4 he can handle. Taking into consideration his, his
5 health issues.

6 He went to his meetings with his probation
7 officer. He went to the, to the anger management
8 classes.

9 I think he's walking to these, and he's
10 still getting there. He's, he's not making all of his
11 payments, because, obviously, he can't afford it.

12 But, apparently, he's making some because
13 he must have made some prior to April 1, 2018.

14 He was hanging out with some people on or
15 about June 28th, and they were smoking marijuana.

16 That doesn't make him a menace to society.

17 And we would ask the Court to consider
18 those things when coming to your decisions.

19 Thank you, sir.

20 THE COURT: What's concerning to the Court
21 is a couple of things.

22 Number one, the, the charge that he pled
23 guilty to is, was a serious charge.

24 He still has not taken any responsibility
25 for that, and he won't even answer a question of, or

Appendix F1

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1 acknowledge that he pled guilty to that charge.

2 And he pled guilty to that charge in my
3 court.

4 And I found that it was, it was knowingly
5 made. I think I found that it was, it was on his own
6 free will.

7 And now he says that his probation officer
8 is erroneous in her testimony, and he's now saying that
9 Mr. Campos, who saw him a number of times, is erroneous
10 in his testimony.

11 And it -- I don't, I don't --- I think that
12 pattern is going to continue. I've seen no change in
13 it.

14 So after having revoked the Defendant's
15 Community Supervision, and adjudicated the Defendant
16 guilty, the Court sentences Mr. Edwards to 15 years in
17 the Institutional Division, Texas Department of Criminal
18 Justice.

19 I also assess against Mr. Edwards any
20 previously assessed unpaid fines, court costs,
21 attorney's fees, if any, that remain unpaid.

22 And he'll receive credit for any time
23 period of incarceration that he's legally entitled to
24 receive. - 062616-122317+080218-100218 -

25 This sentence will begin this date, and the

20 months false incarceration

**Additional material
from this filing is
available in the
Clerk's Office.**