

COURT OF APPEALS OF THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

Kristine Ann Ellington v. the State of Texas

No. 02-25-00043-CR · No. No. 02-25-00043-CR · Decided June 25, 2026

SUMMARY

The Texas Court of Appeals, Second District, reviewed the revocation of Kristine Ann Ellington’s probation following findings that she violated probation conditions, including consuming alcohol. The court granted appointed counsel’s motion to withdraw under *Anders v. California*, found no arguable grounds for appeal, and affirmed the trial court’s judgment.

CASE DETAILS

COURT	Court of Appeals of the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Dana Womack; Sudderth, Chief Justice; Kerr, Justice; Womack, Justice
JURISDICTION	Court of Appeals of the Second Appellate District of Texas at Fort Worth
DECIDED	June 25, 2026
DOCKET	No. 02-25-00043-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the revocation of probation and an eighteen-month state-jail sentence following a plea of true to one probation violation and findings that additional violations were true; appellate counsel filed an <i>Anders</i> motion to withdraw and brief asserting that the appeal was frivolous.
STANDARD OF REVIEW	The court independently reviewed the record under <i>Anders</i> to determine whether any arguable grounds for relief existed. The court also applied Texas error-preservation principles and concluded that any alleged error concerning one probation violation was harmless because another violation, to which Ellington pleaded true, independently supported revocation.
PRECEDENTIAL VALUE	nonprecedential memorandum opinion; designated do not publish

PARTIES

Kristine Ann Ellington v. The State of Texas

TOPICS

probation

appellate procedure

ineffective assistance

preservation of error

harmless error

PRACTICE AREAS

criminal procedure

probation

appellate procedure

ineffective assistance of counsel

QUESTIONS PRESENTED

1. Whether the appeal presented any arguable ground for relief under *Anders v. California*.
2. Whether the trial court's failure to hear Ellington's failure-to-appear case contemporaneously with the probation-revocation proceeding constituted reversible error.
3. Whether the trial court improperly allowed a senior court officer to testify when Ellington did not object at the revocation hearing.
4. Whether Ellington could establish ineffective assistance of counsel on direct appeal.

HOLDINGS

1. The appeal was wholly frivolous and without merit, and the record contained nothing that might arguably support the appeal.
2. Any error bearing on the trial court's finding that the failure-to-appear allegation was true was harmless because Ellington pleaded true to another violation and a single probation violation was sufficient to support revocation.
3. The issue was not preserved for appeal because Ellington did not object to the testimony at the revocation hearing.
4. The record did not establish ineffective assistance of counsel because it did not show deficient performance or prejudice.

KEY QUOTATIONS

"We have carefully reviewed the record and counsel's brief and have determined that this appeal is wholly frivolous and without merit." (at 3)

"We find nothing in the record that might arguably support the appeal." (at 3)

FACTUAL BACKGROUND

Ellington pleaded guilty to theft and received a two-year sentence probated for five years, along with restitution and a fine. The State later alleged that she violated probation by committing a driving-while-intoxicated offense, failing to appear, failing to report, and consuming alcohol. Ellington pleaded true to consuming alcohol and not true to the driving-while-intoxicated and failure-to-appear allegations; the trial court found the first, second, and fourth allegations true, revoked probation, and imposed an eighteen-month state-jail sentence.

PROCEDURAL HISTORY

Ellington pleaded guilty pursuant to a plea bargain in April 2022 to theft of property valued between \$2,500 and \$30,000. The trial court imposed a two-year sentence, probated for five years, with restitution and a fine. In 2024, the State petitioned to revoke probation. After a revocation hearing, the trial court found three alleged violations true, revoked probation, and sentenced Ellington to eighteen months' incarceration in a state jail facility. On appeal, appointed counsel filed an Anders brief and motion to withdraw, Ellington filed a pro se response, and the State agreed that the appeal was frivolous.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 1400 (1967)
- Kelly v. State, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014)
- Rivera v. State, No. 13-20-00304-CR, 2021 WL 1306406, at *4 (Tex. App.—Corpus Christi–Edinburg Apr. 8, 2021, no pet.) (mem. op., not designated for publication)
- Bledsoe v. State, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005)
- Meza v. State, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006)
- Rachal v. State, 725 S.W.3d 152, 166 (Tex. App.—Fort Worth 2025, pet. ref'd)
- Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984)

OPINION

Kristine Ann Ellington v. the State of Texas

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
_____ No. 02-25-00043-CR _____

KRISTINE ANN ELLINGTON, Appellant V.

THE STATE OF TEXAS

On Appeal from 432nd District Court Tarrant County, Texas Trial Court No. 1651145 Before
Sudderth, C.J.; Kerr and Womack, JJ. Memorandum Opinion by Justice Womack

MEMORANDUM OPINION

Appellant Kristine Ann Ellington was charged by indictment with theft of property valued between \$2,500 and \$30,000. See Tex. Penal Code § 31.03(a), (e)(4). In April 2022, Ellington pleaded guilty pursuant to a plea bargain. The trial court sentenced her to two years' incarceration, probated for five years, and ordered her to pay \$21,400 in restitution plus a \$500 fine. In 2024, the State filed a petition to revoke Ellington's probation, alleging that she had violated her probation terms by committing a driving-while-intoxicated offense (Paragraph One), failing to appear in court as required (Paragraph Two), failing to report to her probation officer as required (Paragraph

Three), and consuming alcohol (Paragraph Four). The trial court held a hearing at which Ellington pleaded “true” to the violation alleged in Paragraph Four and “not true” to the violations alleged in Paragraphs One and Two.¹ After considering the evidence, the trial court found that the allegations in Paragraphs One, Two, and Four were true; revoked Ellington’s probation; and sentenced her to eighteen months’ incarceration in a state jail facility. Ellington timely filed a notice of appeal from the trial court’s judgment revoking her probation. After determining that Ellington’s appeal was frivolous, her court-appointed appellate attorney filed a motion to withdraw as counsel and, in support of that 1 The State waived the violation alleged in Paragraph Three. 2 motion, a brief. See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 1400

(1967). The attorney’s motion and brief meet the requirements of *Anders* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. See *id.* at 744, 87 S. Ct. at 1400. Additionally, in compliance with *Kelly v. State*, Ellington’s attorney has certified that he provided Ellington with copies of the brief and the motion to withdraw, informed her of her right to file a pro se response and to receive a free copy of the appellate record, provided her with a motion for pro se access to the appellate record lacking only her signature, and informed her of her right to file a petition for discretionary review with the Court of Criminal Appeals if she does not receive relief from this court. See 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). Ellington filed a pro se response to the *Anders* brief, but her response does not reveal any legitimate grounds for direct appeal.² In lieu of a brief, the State filed a letter stating that it agrees with Ellington’s attorney’s determination that the appeal is wholly frivolous. 2 In her response, Ellington proposes three points of error, but none of them are valid. First, she argues that the trial court erred by failing to hear her “[b]ail [j]umping/[f]ailure to [a]ppear” case contemporaneously with the State’s petition to revoke her probation because doing so “possibly” would have caused the trial court to find Paragraph Two not true. But because Ellington pleaded true to Paragraph Four and because a single violation is sufficient to support a trial court’s probation- revocation decision, any error bearing on the trial court’s Paragraph-Two finding was harmless. See, e.g., *Rivera v. State*, No. 13-20-00304-CR, 2021 WL 1306406, at *4 (Tex. App.—Corpus Christi–Edinburg Apr. 8, 2021, no pet.) (mem. op., not designated for publication). Second, she argues that the trial court erred by allowing Stacy Franco, the senior court officer for Criminal District Court Number Two, to testify. But because Ellington did not raise this objection at the revocation hearing, it is not 3 We have carefully reviewed the record and counsel’s brief and have determined that this appeal is wholly frivolous and without merit. We find nothing in the record that might arguably support the appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005); see also *Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006). We therefore grant counsel’s motion to withdraw and affirm the trial court’s judgment. /s/ Dana Womack Dana Womack Justice Do Not Publish Tex. R. App. P. 47.2(b) Delivered: June 25, 2026 preserved for appeal. See Tex. R. App. P. 33.1(a). Finally, she asserts that she received ineffective assistance of counsel. But “[d]irect appeal is usually inadequate for raising an ineffective-

assistance-of-counsel claim because the record generally does not show counsel's reasons for any alleged deficient performance." *Rachal v. State*, 725 S.W.3d 152, 166 (Tex. App.—Fort Worth 2025, pet. ref'd). And having reviewed the record, we agree with Ellington's appellate counsel that there is nothing to suggest that her trial counsel's performance was deficient or that any such deficiency prejudiced her defense. See *Strickland v. Washington*, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984). 4

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