

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PRECEDENTIAL VALUE	nonprecedential memorandum opinion; designated do not publish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)