

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Delkei Derrett v. the State of Texas

No. 07-25-00358-CR · No. 07-25-00358-CR · Decided March 31, 2026

SUMMARY

The Seventh Court of Appeals of Texas considered an Anders motion to withdraw in Delkei Derrett’s appeal from a sexual-assault conviction. After independently reviewing the record and counsel’s brief, the court found no nonfrivolous grounds for reversal, affirmed the trial court’s judgment, and granted counsel’s motion to withdraw.

CASE DETAILS

COURT	Court of Appeals for the Seventh District of Texas at Amarillo
WRITING FOR THE COURT	Alex Yarbrough; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	March 31, 2026
DOCKET	07-25-00358-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anders appeal from a felony sexual-assault conviction and sentence following a jury trial; appointed appellate counsel moved to withdraw after concluding that the appeal was frivolous.
STANDARD OF REVIEW	Independent review of the entire record in an Anders appeal to determine whether any nonfrivolous issue or plausible basis for reversal exists.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked do not publish.
PARTIES	Delkei Derrett v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

- criminal appellate practice
- criminal procedure
- appointed counsel

QUESTIONS PRESENTED

1. Whether appointed appellate counsel complied with the requirements of *Anders v. California* and was entitled to withdraw.
2. Whether the independent review of the record disclosed any nonfrivolous issue or plausible basis for reversal of Derrett's sexual-assault conviction.

HOLDINGS

1. Counsel complied with *Anders* and the applicable Texas procedures by examining the record, filing a brief explaining why no reversible error existed, providing the brief and record-access information to Derrett, notifying him of his rights to file a pro se response and petition for discretionary review, and moving to withdraw; the motion to withdraw was therefore granted.
2. After independently examining the record and counsel's *Anders* brief, the court found no nonfrivolous issue or plausible basis for reversal and affirmed the trial court's judgment.

KEY QUOTATIONS

"We too have independently examined the record to determine whether there are any non-frivolous issues which might support this appeal." (at 3)

"After reviewing the record and counsel's brief, we agree that there is no plausible basis for reversal of Appellant's conviction." (at 3–4)

FACTUAL BACKGROUND

In April 2023, Derrett joined C.D. and her sister to celebrate C.D.'s birthday, and C.D. became intoxicated at a bar. Derrett drove the group to C.D.'s home, where C.D. appeared largely unconscious, vomited, and was described as very impaired; C.D.'s mother found Derrett outside the open passenger door with his pants unbuckled while C.D. appeared limp and unresponsive. C.D. testified that she experienced choking and gagging, had little memory, and felt unable to control her body, while Derrett testified that C.D. was responsive and initiated contact.

PROCEDURAL HISTORY

Derrett was convicted by a jury in the Criminal District Court No. 3 of Tarrant County of sexual assault and received a ten-year sentence, suspended in favor of eight years of community supervision, with three days of county-jail confinement as a condition. Appointed counsel filed an *Anders* brief and motion to withdraw, stating that the record presented no potentially plausible basis for reversal. The court of appeals independently reviewed the record, found no nonfrivolous issue, granted the motion to withdraw, and affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- *In re Schulman*, 252 S.W.3d 403, 406, 408–09, 411 n.33 (Tex. Crim. App. 2008)
- *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978)
- *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988)
- *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)
- *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969)
- *Nunez v. State*, No. 02-23-00300-CR, 2025 Tex. App. LEXIS 82, at *2–3 (Tex. App.—Fort Worth Jan. 9, 2025, no pet.) (mem. op., not designated for publication)
- *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005)

OPINION

PER CURIAM.

In The Court of Appeals Seventh District of Texas at Amarillo No. 07-25-00358-CR DELKEI DERRETT, APPELLANT V. THE STATE OF TEXAS, APPELLEE On Appeal from the Criminal District Court 3 Tarrant County, Texas¹ Trial Court No. 1792992, Honorable Douglas A. Allen, Presiding March 31, 2026 MEMORANDUM OPINION Before PARKER, C.J., and DOSS and YARBROUGH, JJ. Pending before this Court is a motion to withdraw supported by a brief filed pursuant to *Anders v. California*.² Appellant, Delkei Derrett, was charged with sexual assault³ and, following a jury trial, was sentenced to serve ten years of imprisonment.

At 1 Because this matter was transferred from the Second Court of Appeals, we apply its precedent when it conflicts with that of the Seventh Court of Appeals. TEX. R. APP. P. 41.3. 2 *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed.2d 493 (1967). 3 See TEX. PENAL CODE § 22.011(a)(1), (b)(3), (5). the recommendation of the jury, the trial court suspended the sentence and placed Appellant on community supervision for eight years.

The court also sentenced Appellant to serve three days of confinement in the Tarrant County jail as a condition of community supervision.⁴ Appellant was charged with intentionally or knowingly causing the penetration of C.D.’s mouth by his penis without her consent, including while she was unaware or physically unable to resist. At trial, the evidence showed that in April 2023, Appellant joined C.D. and her sister to celebrate C.D.’s 26th birthday, during which C.D. became intoxicated at a bar.

Appellant drove the group home in C.D.’s car, where she appeared largely passed out, vomited multiple times, and was described as “very out of it.” Upon arriving, C.D.’s sister went inside, while C.D.’s mother, concerned when the two remained in the car, found Appellant standing outside the open passenger door with his pants unbuckled. He claimed he had been urinating.

C.D.’s mother described C.D. as a “limp” and unresponsive “dead fish.” C.D. testified she experienced choking and gagging sensations but had little memory of events, stating she was

unaware of any assault, felt out of control of her body, and was blacking out. Appellant, by contrast, testified C.D. was responsive and initiated contact, though he denied any further conduct.⁵ In support of his motion to withdraw, counsel certifies he has conducted a conscientious examination of the record, and in his opinion, it reflects no potentially 4 A trial court has discretion to require, as a condition of community supervision in a felony case, a defendant submit to a term of confinement in a county jail not to exceed 180 days.

TEX. CODE CRIM. PROC. art. 42A.302. ⁵ During his interview with police, Appellant initially claimed there was no sexual contact. Appellant's version of the events changed as the interview progressed. 2 plausible basis for reversal of Appellant's conviction. *Anders*, 386 U.S. at 744–45; *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008).

In counsel's brief, he states he believes no reversible error occurred in the underlying proceeding. Counsel frankly and thoroughly discusses why, under the controlling authorities, the record supports that conclusion. See *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978). Counsel has demonstrated that he has complied with the requirements of *Anders* and *In re Schulman* by (1) providing a copy of the brief and a motion to access the appellate record to Appellant, (2) notifying him of the right to file a pro se response if he desired to do so, and (3) informing him of the right to file a pro se petition for discretionary review.

In re Schulman, 252 S.W.3d at 408. By letter, this Court granted Appellant an opportunity to exercise his right to file a response to counsel's brief, should he be so inclined. *Id.* at 409 n.23. Appellant did not file a response or any other correspondence, and the State did not favor us with a brief. By the *Anders* brief, counsel evaluates potential issues but then candidly concedes he is unable to find any meritorious issues to advance on appeal and concludes the appeal is frivolous.

We too have independently examined the record to determine whether there are any non-frivolous issues which might support this appeal. See *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *In re Schulman*, 252 S.W.3d at 409; *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

We have found no such issues. See *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969); *Nunez v. State*, No. 02-23-00300-CR, 2025 Tex. App. LEXIS 82, at *2–3 (Tex. App.—Fort Worth Jan. 9, 2025, no pet.) (mem. op., not designated for publication).

After reviewing the 3 record and counsel's brief, we agree that there is no plausible basis for reversal of Appellant's conviction. See *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). We affirm the trial court's judgment and grant counsel's motion to withdraw.⁶ Alex Yarbrough Justice Do not publish. 6 Counsel shall, within five days after the opinion is handed down, send Appellant a copy of the opinion and judgment, along with notification of Appellant's right to file a pro se petition for discretionary review.

See TEX. R. APP. P. 48.4. This duty is an informational one, not a representational one. It is ministerial in nature, does not involve legal advice, and exists after the court of appeals has granted counsel's motion to withdraw.

In re Schulman, 252 S.W.3d at 411 n.33. 4

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