

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Whencise Surlin v. The State of Texas

No. 01-24-00293-CR (Tex. App.—Houston [1st Dist.] Feb. 12, 2026) (mem. op.) · No. 01-24-00293-CR ·
Decided February 12, 2026

SUMMARY

The First Court of Appeals of Texas reviewed Whencise Surlin’s appeal from a conviction for evading arrest or detention with a motor vehicle. Applying *Anders v. California*, the court independently reviewed the record, found no reversible error or arguable grounds for review, affirmed the trial court’s judgment, and granted appointed counsel’s motion to withdraw. The court also directed counsel to notify Surlin of the result and the possibility of seeking discretionary review.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Justice Rivas-Molloy; Justice Gunn; Justice Caughey
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	February 12, 2026
DOCKET	01-24-00293-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Surlin appealed his conviction and sentence after appointed appellate counsel filed an <i>Anders</i> motion to withdraw and brief asserting that the appeal was frivolous and presented no reversible error.
STANDARD OF REVIEW	In an <i>Anders</i> appeal, the appellate court independently examines the entire record to determine whether reversible error or any arguable grounds for review exist; counsel's conclusion that the appeal is frivolous is not determinative.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Whencise Surlin v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the record contained reversible error or any arguable grounds for review under the Anders procedure.
2. Whether appointed appellate counsel's motion to withdraw should be granted.

HOLDINGS

1. After independently reviewing the entire record, the court concluded that no reversible error existed, there were no arguable grounds for review, and the appeal was frivolous.
2. The court granted appointed counsel's motion to withdraw after determining that the appeal was frivolous and required counsel to send Surlin the required notice of the result and discretionary-review rights.

KEY QUOTATIONS

"We have independently reviewed the entire record in this appeal, and we conclude that no reversible error exists in the record, there are no arguable grounds for review, and the appeal is frivolous." (Opinion at 2)

FACTUAL BACKGROUND

A jury convicted Whencise Surlin of third-degree-felony evading arrest or detention with a motor vehicle. The trial court assessed ten years' confinement pursuant to an agreement, suspended the sentence, and placed Surlin on community supervision for three years. Surlin did not request access to the appellate record or file a pro se response after counsel notified him of those rights.

PROCEDURAL HISTORY

A jury convicted Surlin of felony evading arrest or detention with a motor vehicle. Pursuant to an agreement, the trial court assessed ten years' confinement, suspended the sentence, and placed him on community supervision for three years. The First Court of Appeals independently reviewed the entire record, found no reversible error or arguable grounds for review, affirmed the trial court's judgment, and granted counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 744 (1967)
- High v. State, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978)
- Mitchell v. State, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- In re Schulman, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008)

- Kelly v. State, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014)
- Garner v. State, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009)
- Bledsoe v. State, 178 S.W.3d 824, 827 & n.6 (Tex. Crim. App. 2005)
- Ex parte Wilson, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997) (per curiam)

OPINION

Whencise Surlin v. the State of Texas

PER CURIAM.

Opinion issued February 12, 2026 In The Court of Appeals For The First District of Texas

NO. 01-24-00293-CR

WHENCISE SURLIN, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 177th District Court Harris County, Texas Trial Court Case No. 1779889

MEMORANDUM OPINION

A jury convicted appellant Whencise Surlin of the third-degree felony offense of evading arrest or detention with a motor vehicle.¹ Pursuant to an agreement ¹ See TEX. PENAL CODE § 38.04(a), (b)(2)(A). between Surlin and the State, the trial court assessed Surlin’s punishment at ten years’ confinement, suspended the sentence, and placed Surlin on community supervision for three years. Surlin timely filed a notice of appeal. Surlin’s appointed counsel on appeal has filed a motion to withdraw, along with a brief stating that the record presents no reversible error and the appeal is without merit and is frivolous. See *Anders v. California*, 386 U.S. 738, 744 (1967). Counsel’s brief meets the *Anders* requirements by presenting a professional evaluation of the record and supplying us with references to the record and to legal authority. See *id.*; see also *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978). Counsel states that she has thoroughly reviewed the record and is unable to advance any grounds of error that warrant reversal. See *Anders*, 386 U.S. at 744; *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.). Surlin’s counsel has certified that she mailed a copy of the motion to withdraw and the *Anders* brief to Surlin. See *In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008). Counsel also certified that she informed Surlin of her right to file a pro se response and to access the appellate record. See *Kelly v. State*, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). Counsel certified that she provided Surlin with a form motion for pro se access to the record. See *id.* at 319–20. Surlin has not requested access to the appellate record or filed a pro se response. ² We have independently reviewed the entire record in this appeal, and we conclude that no reversible error exists in the record, there are no arguable grounds for review, and the appeal is frivolous. See *Anders*, 386 U.S. at 744 (stating that appellate court, not counsel, determines “after a full examination of all the proceedings” whether “the case is wholly frivolous”); *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009) (stating that reviewing court has duty to determine whether arguable grounds for review exist); *Mitchell*, 193 S.W.3d at 155 (stating that we make this determination by reviewing “entire record”). An appellant may challenge a holding that there are no arguable grounds for

appeal by filing a petition for discretionary review with the Texas Court of Criminal Appeals. *Bledsoe v. State*, 178 S.W.3d 824, 827 & n.6 (Tex. Crim. App. 2005). We affirm the judgment of the trial court and grant counsel's motion to withdraw.² Attorney Daucie Schindler must immediately send Surlin the required notice and file a copy of the notice with the Clerk of this Court. See TEX. R. APP. P. 6.5(c).

PER CURIAM

Panel consists of Justices Rivas-Molloy, Gunn, and Caughey. Do not publish. TEX. R. APP. P. 47.2(b). ² Appointed counsel still has a duty to inform Surlin of the result of this appeal and that she may, on her own, pursue discretionary review in the Texas Court of Criminal Appeals. See *Ex parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997) (per curiam). ³