

COURT OF APPEALS FOR THE SEVENTH DISTRICT OF TEXAS AT
AMARILLO

Jerry Daniel Spillman v. the State of Texas

No. 07-25-00363-CR · No. 07-25-00363-CR · Decided February 25, 2026

SUMMARY

The Texas Seventh Court of Appeals reviewed an Anders brief and counsel’s motion to withdraw in Jerry Daniel Spillman’s appeal from an order adjudicating guilt and imposing a fifteen-year sentence for aggravated assault against a public servant. After independently examining the record, the court found no non-frivolous issues, 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	Per curiam; Parker, C.J.; Doss, J.; Yarbrough, J.
JURISDICTION	Court of Appeals for the Seventh District of Texas at Amarillo
DECIDED	February 25, 2026
DOCKET	07-25-00363-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Anders appeal from a judgment adjudicating guilt following revocation of deferred-adjudication community supervision; appointed counsel moved to withdraw after filing an Anders brief asserting that the appeal was frivolous.
STANDARD OF REVIEW	In an Anders appeal, the appellate court independently examines the record to determine whether any nonfrivolous issue exists that could support reversal.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Jerry Daniel Spillman v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the record contained any nonfrivolous issue supporting reversal of the judgment adjudicating Spillman's guilt.
2. Whether appointed counsel satisfied the procedural requirements for withdrawal under Anders v. California and related Texas authority.

HOLDINGS

1. After independently examining the record and counsel's Anders brief, the court found no nonfrivolous issue or plausible basis for reversal and affirmed the judgment adjudicating guilt.
2. Counsel complied with the Anders and Texas procedural requirements by providing Spillman with the brief and record, notifying him of his right to file a pro se response, and informing him of his right to file a pro se petition for discretionary review; the motion to withdraw was therefore granted.

KEY QUOTATIONS

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

"After reviewing the record and counsel's brief, we agree there is no plausible basis for reversal of Appellant's conviction."

"The trial court's Judgment Adjudicating Guilt is affirmed and counsel's motion to withdraw is granted."

FACTUAL BACKGROUND

Spillman was placed on deferred-adjudication community supervision for aggravated assault against a public servant, enhanced, with an affirmative finding that he used a knife as a deadly weapon. The State later alleged numerous violations of the conditions of supervision. Following a contested adjudication hearing involving testimony from Spillman's supervision officer, a police officer, and Spillman, the trial court found most allegations true, adjudicated him guilty, and imposed a fifteen-year sentence.

PROCEDURAL HISTORY

In September 2023, Spillman pleaded pursuant to a plea agreement and was placed on ten years of deferred-adjudication community supervision for aggravated assault against a public servant, with a deadly-weapon finding and enhancement allegations. In May 2025, the State moved to adjudicate guilt based on alleged violations of the supervision conditions. After a contested hearing at which Spillman pleaded true to some allegations and the trial court found most allegations true, the court adjudicated him guilty and sentenced him to fifteen years' confinement. The court of appeals independently reviewed the record, affirmed the judgment adjudicating guilt, and granted counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967)
- In re Schulman, 252 S.W.3d 403, 406, 408-09, 411 (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)
- 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. 07-25-00363-CR JERRY DANIEL SPILLMAN, APPELLANT V. THE STATE OF TEXAS, APPELLEE On Appeal from the 78th District Court Wichita County, Texas Trial Court No. DC78-CR2022-0687, Honorable Meredith Kennedy, Presiding1 February 25, 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 In September 2023 pursuant to a plea agreement, Appellant, Jerry Daniel Spillman, was placed on deferred adjudication community 1 This cause was originally filed in the Second Court of Appeals and was transferred to this Court by a docket-equalization order of the Supreme Court of Texas.

See TEX. GOV'T CODE § 73.001. In the event of any conflict, we apply the transferor court's case law. TEX. R. APP. P. 41.3. 2 Anders v. California, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). supervision for ten years for aggravated assault against a public servant, enhanced,3 with an affirmative finding on use of a deadly weapon, to-wit: a knife.

In May 2025, the State moved to adjudicate guilt alleging numerous violations of the conditions of community supervision. At a contested hearing on the State's motion, Appellant pled true to some but not all of the allegations.

After hearing testimony from Appellant's community supervision officer, a police officer who arrested Appellant on a new charge, and from Appellant, the trial court found most of the allegations to be true. The court then adjudicated Appellant guilty of the original charge, found the enhancement paragraph to be true, made an affirmative finding on use of a deadly weapon, and pronounced a sentence of confinement for fifteen years.

In support of his motion to withdraw, counsel certifies he has conducted a professional evaluation of the record, and in his opinion, it reflects no potentially 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). Counsel candidly 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 he has complied with the requirements of *Anders* and *In re Schulman* by (1) providing a copy of the brief and 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 408.4 By letter, this Court granted Appellant an opportunity 3 TEX. PENAL CODE §§ 22.02(b)(2)(B), 12.42(c)(1). 4 Notwithstanding that Appellant was informed of his right to file a pro se petition for discretionary review upon execution of the Trial Court's Certification of Defendant's Right of Appeal, counsel must comply with Rule 48.4 of the Texas Rules of Appellate Procedure which provides that counsel shall within five days after this opinion is handed down, send Appellant a copy of the opinion and judgment together with 2 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. Neither did the State favor us with a response. 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). After reviewing the record and counsel's brief, we agree 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). CONCLUSION The trial court's Judgment Adjudicating Guilt is affirmed and counsel's motion to withdraw is granted.

Alex Yarbrough Justice Do not publish. notification of his right to file a pro se petition for discretionary review. *Id.* at 408 n.22, 411. The duty to send the client a copy of this Court's decision 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.

Id. at 411 n.33. 3

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