

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Christopher Dale Havens v. the State of Texas

Havens v. State · No. 13-25-00287-CR · Decided May 21, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas affirmed Christopher Dale Havens’s convictions and concurrent ninety-nine-year sentences for three counts of aggravated assault against a public servant with a deadly weapon. The court conducted an independent review under *Anders v. California*, found no arguable reversible error, and granted appointed appellate counsel’s motion to withdraw.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Ysmael D. Fonseca; Justice Silva; Justice Peña; Justice Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	May 21, 2026
DOCKET	13-25-00287-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a jury conviction and concurrent ninety-nine-year sentences for three counts of aggravated assault against a public servant with a deadly weapon. Appointed appellate counsel filed an <i>Anders</i> brief and motion to withdraw, asserting that the appeal presented no arguable grounds for reversal.
STANDARD OF REVIEW	Upon receipt of an <i>Anders</i> brief, the appellate court must conduct a full examination of all proceedings to determine whether the appeal is wholly frivolous and whether any arguable reversible error exists.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; designated not for publication.
PARTIES	Christopher Dale Havens v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- standard of review

PRACTICE AREAS

criminal appellate procedure

Anders appeals

criminal procedure

right to counsel

QUESTIONS PRESENTED

1. Whether the Anders brief satisfied counsel's obligations and whether independent review of the record revealed any arguable reversible error.
2. Whether appellate counsel's motion to withdraw should be granted after counsel concluded that the appeal was frivolous.
3. Whether Havens was afforded adequate access to the appellate record after complaining that portions were incomplete or illegible.

HOLDINGS

1. The Anders brief complied with applicable requirements, and the court's independent examination of the record, counsel's brief, and Havens's pro se response disclosed no arguable reversible error.
2. The court granted appointed appellate counsel's motion to withdraw because counsel's Anders brief demonstrated that the appeal was frivolous.

KEY QUOTATIONS

“Upon receiving an Anders brief, we must conduct a full examination of all the proceedings to determine whether the appeal is wholly frivolous.” (at 2)

“We have reviewed the record, counsel’s brief, and appellant’s pro se response, and we have found no arguable reversible error.” (at 2)

FACTUAL BACKGROUND

After a jury trial in Aransas County, Christopher Dale Havens was convicted of three counts of aggravated assault against a public servant with a deadly weapon. The offenses were first-degree felonies, and the trial court sentenced him to concurrent terms of ninety-nine years' imprisonment. On appeal, Havens received the appellate record, complained that portions were incomplete or illegible, and was later provided a reprinted clerk's record after a trial-court hearing.

PROCEDURAL HISTORY

An Aransas County jury convicted Havens on three counts of aggravated assault against a public servant with a deadly weapon, and the trial court imposed concurrent ninety-nine-year prison terms. On appeal, appointed counsel filed an Anders brief and motion to withdraw. After Havens complained that the appellate records were incomplete or illegible, the court abated the appeal for a trial-court determination regarding the records; the trial court ordered the clerk's record reprinted and found that Havens possessed the complete reporter's transcripts. Havens then filed a pro se response, the appeal was reinstated, and the court independently reviewed the record before affirming and granting counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978)
- *In re Schulman*, 252 S.W.3d 403, 406 n.9, 408 n.17, 411 n.35 (Tex. Crim. App. 2008) (orig. proceeding)
- *Stafford v. State*, 813 S.W.2d 503, 509–10 & n.3 (Tex. Crim. App. 1991)
- *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014)
- *Penson v. Ohio*, 488 U.S. 75, 80 (1988)
- *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005)
- *Jeffery v. State*, 903 S.W.2d 776, 779–80 (Tex. App.—Dallas 1995, no pet.)
- *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006)

OPINION

Christopher Dale Havens v. the State of Texas

PER CURIAM.

NUMBER 13-25-00287-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

CHRISTOPHER DALE HAVENS, Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 36TH DISTRICT COURT

OF ARANSAS COUNTY, TEXAS

MEMORANDUM OPINION

Before Justices Silva, Peña, and Fonseca Memorandum Opinion by Justice Fonseca After a trial, an Aransas County jury convicted appellant Christopher Dale Havens on three counts of aggravated assault against a public servant with a deadly weapon, a first-degree felony, and he was sentenced to concurrent terms of ninety-nine years' imprisonment on each count. See TEX. PENAL CODE § 22.02(b)(2)(B). Appellant's court-appointed appellate counsel has filed a brief with this Court stating that there are no arguable grounds for appeal. See *Anders v. California*, 386 U.S. 738 (1967). We affirm.

I. ANDERS BRIEF

Counsel states in his brief that he has diligently reviewed the entire record and that he “has been unable to find any nonfrivolous” grounds for appeal. See *id.*; *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978). Counsel's brief meets the requirements of *Anders* as it presents a thorough, professional evaluation showing why there are no arguable grounds for advancing an appeal. See *In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex. Crim. App. 2008) (orig.

proceeding) (“In Texas, an Anders brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.”); *Stafford v. State*, 813 S.W.2d 503, 510 n.3 (Tex. Crim. App. 1991). In compliance with *Kelly v. State*, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014), counsel has carefully discussed why, under controlling authority, there is no reversible error in the trial court’s judgment. Counsel has informed this Court that he has: (1) notified appellant that he has filed an Anders brief and motion to withdraw; (2) provided appellant with copies of these pleadings; (3) informed appellant of his rights to file a pro se response, to review the record prior to filing that response, and to seek discretionary review if we conclude that the appeal is frivolous; and (4) provided appellant with a form motion for pro se access to the appellate record that only requires appellant’s signature and date with instructions to file the motion within ten days. See *Anders*, 386 U.S. at 744; *Kelly*, 436 S.W.3d at 319–20. Appellant timely filed the form pro se motion for access to the record. On October 27, 2025, we ordered the trial court to ensure appellant has the opportunity to fully 2 examine the clerk’s record and reporter’s record and to notify this court when the records were made available to him. The records were delivered to appellant on November 5 and 10, 2025. On December 9, 2025, appellant filed a “Notice” with this Court complaining in part that the records he received were incomplete or illegible. That same day, we abated the appeal and remanded to the trial court to determine whether the record provided to appellant is complete and accurate. After holding a hearing, the trial court signed an order on December 23, 2025: (1) directing the trial court clerk to reprint the entire clerk’s record “single page and one sided” and to mail it to appellant, and (2) stating that appellant “is in possession of the full [c]ourt [r]eporters’ [t]ranscripts” pertaining to his appeal. Appellant filed another “Notice” on January 12, 2026, which we construe as a pro se response to the Anders brief. The appeal was reinstated on January 22, 2026.

II. INDEPENDENT REVIEW

Upon receiving an Anders brief, we must conduct a full examination of all the proceedings to determine whether the appeal is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the record, counsel’s brief, and appellant’s pro se response, and we have found no arguable reversible error. *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005) (“Due to the nature of Anders briefs, by indicating in the opinion it considered the issues raised in the brief and reviewed the record for reversible error but found none, the court of appeals met the requirements of Texas Rule of Appellate Procedure 47.1.”); *Stafford*, 813 S.W.2d at 509.

III. MOTION TO WITHDRAW

In accordance with *Anders*, appellant’s court-appointed appellate counsel has filed a motion to withdraw. See *Anders*, 386 U.S. at 744; see also *In re Schulman*, 252 S.W.3d 3 at 408 n.17 (citing *Jeffery v. State*, 903 S.W.2d 776, 779–80 (Tex. App.—Dallas 1995, no pet.) (“If an attorney believes the appeal is frivolous, he must withdraw from representing the appellant. To withdraw from representation, the appointed attorney must file a motion to withdraw accompanied by a brief

showing the appellate court that the appeal is frivolous.” (citations omitted))). We grant the motion to withdraw. Counsel is ordered to send a copy of this memorandum opinion and its accompanying judgment to appellant, and to advise him of his right to file a petition for discretionary review within five days of the date of this memorandum opinion.¹ See TEX. R. APP. P. 48.4; see also *In re Schulman*, 252 S.W.3d at 411 n.35; *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006).

IV. CONCLUSION

The trial court’s judgment is affirmed.

YSMAEL D. FONSECA

Justice Do not publish. TEX. R. APP. P. 47.2(b). Delivered and filed on the 21st day of May, 2026.

1 No substitute counsel will be appointed. Should appellant wish to seek further review by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this Court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Texas Court of Criminal Appeals, see *id.* R. 68.3(a), and must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. See *id.* R. 68.4. 4