

COURT OF APPEALS FOR THE SECOND APPELLATE DISTRICT OF TEXAS
AT FORT WORTH

David Michael Nelson v. The State of Texas

No. 02-25-00177-CR · No. No. 02-25-00177-CR · Decided June 4, 2026

SUMMARY

The Texas Court of Appeals for the Second Appellate District reviewed David Michael Nelson’s appeal from the adjudication of his guilt after he pleaded true to violating sixteen conditions of deferred-adjudication community supervision. The court granted appointed counsel’s Anders motion to withdraw, determined that the appeal was frivolous, and affirmed the trial court’s judgment sentencing Nelson to ten years’ confinement.

CASE DETAILS

COURT	Court of Appeals for the Second Appellate District of Texas at Fort Worth
WRITING FOR THE COURT	Elizabeth Kerr; Wallach; Walker
JURISDICTION	Court of Appeals for the Second Appellate District of Texas at Fort Worth
DECIDED	June 4, 2026
DOCKET	No. 02-25-00177-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the adjudication of guilt and ten-year sentence following the revocation of deferred-adjudication community supervision; appointed appellate counsel filed an Anders motion to withdraw and supporting brief.
STANDARD OF REVIEW	Anders review of the record to determine whether the appeal is wholly frivolous and without merit and whether any arguable ground for relief exists.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	David Michael Nelson v. The State of Texas

TOPICS

- appellate procedure
- right to counsel
- criminal procedure
- probation
- plea bargaining

PRACTICE AREAS

criminal appellate procedure

deferred adjudication

community supervision

Anders appeals

QUESTIONS PRESENTED

1. Whether appointed appellate counsel satisfied the requirements for withdrawal under *Anders v. California*.
2. Whether the record contained any arguable ground for relief requiring reversal of the trial court's judgment.

HOLDINGS

1. Counsel's motion to withdraw and supporting brief satisfied *Anders* because counsel professionally evaluated the record and explained why no arguable grounds for relief existed; counsel also complied with the applicable requirements for notifying Nelson of his rights.
2. The appeal was wholly frivolous and without merit, and the record contained nothing that might arguably support the appeal.

KEY QUOTATIONS

"We have carefully reviewed the record and counsel's brief and have determined that this appeal is wholly frivolous and without merit. We find nothing in the record that might arguably support the appeal." (3)

FACTUAL BACKGROUND

Nelson pleaded guilty to third-degree-felony indecency with a child by exposure and received deferred adjudication with ten years of community supervision. Approximately five and a half years later, the State alleged that he had violated sixteen conditions of supervision. Nelson pleaded true to all sixteen violations, after which the trial court adjudicated him guilty and imposed ten years' confinement.

PROCEDURAL HISTORY

Nelson pleaded guilty to third-degree-felony indecency with a child by exposure in exchange for the State's deferred-adjudication recommendation. The trial court deferred adjudication and placed him on ten years of community supervision. After the State alleged sixteen violations, Nelson pleaded true to all sixteen; the trial court adjudicated him guilty and sentenced him to ten years' confinement. On appeal, appointed counsel filed an *Anders* motion to withdraw, Nelson did not file a pro se response, and the State filed no brief. The court reviewed the record, granted counsel's motion, and affirmed.

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)
- 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)

OPINION

David Michael Nelson v. the State of Texas

PER CURIAM.

In the Court of Appeals Second Appellate District of Texas at Fort Worth
 _____ No. 02-25-00177-CR _____ DAVID

MICHAEL NELSON, Appellant V.

THE STATE OF TEXAS

On Appeal from the 367th District Court Denton County, Texas Trial Court No. F17-1250-367
 Before Kerr, Wallach, and Walker, JJ. Memorandum Opinion by Justice Kerr

MEMORANDUM OPINION

In exchange for the State’s deferred-adjudication recommendation, David Nelson agreed to plead guilty to third-degree-felony indecency with a child by exposure. See Tex. Penal Code § 21.11(a) (2), (d). The trial court followed the plea bargain, deferred finding Nelson guilty, and placed him on ten years’ deferred-adjudication community supervision. See Tex. Code Crim. Proc. art. 42A.101(a). Five-and-a-half years later, the State moved to adjudicate Nelson’s guilt, alleging that he had violated sixteen community-supervision conditions. Nelson later pleaded true to violating all sixteen. Based on Nelson’s pleas and the evidence presented at the hearing, the trial court found that Nelson had violated the terms of his community supervision as alleged, adjudicated him guilty, and sentenced him to ten years’ confinement. See Tex. Penal Code § 12.34 (setting forth punishment range for third-degree felony). Nelson timely appealed. After determining that Nelson’s appeal is frivolous, his court-appointed appellate attorney filed a motion to withdraw as counsel with a supporting brief. See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 1400 (1967). Counsel’s motion and brief meet *Anders*’s requirements by professionally evaluating the record and demonstrating why no arguable grounds for relief exist. See *id.* at 744, 87 S. Ct. at 1400. Nelson’s counsel also complied with *Kelly v. State* by (1) providing Nelson copies of the brief, the motion to withdraw, and a form motion to access the appellate 2 record and (2) informing him of his right to file a pro se response and to seek further review should we affirm the trial court’s judgment. See 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). We likewise notified Nelson of his opportunity to file a pro se response, but he did not do so. The State declined to file a brief. We have carefully reviewed the record and counsel’s brief and have determined that this appeal is wholly frivolous and without merit. We find nothing in the record that might arguably support the appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827– 28 (Tex. Crim. App. 2005); see also *Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006). We therefore grant counsel’s

motion to withdraw and affirm the trial court's judgment. /s/Elizabeth Kerr Elizabeth Kerr Justice
Do Not Publish Tex. R. App. P. 47.2(b) Delivered: June 4, 2026 3

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