

**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

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
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