

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT

Derek Kashif Price v. the State of Texas

No. 11-24-00152-CR · No. No. 11-24-00152-CR · Decided December 4, 2025

SUMMARY

The Eleventh Court of Appeals of Texas affirmed Derek Kashif Price’s conviction for aggravated assault with a deadly weapon and his fifty-year habitual-offender sentence. Applying the Anders procedure, the court independently reviewed the record and found no arguable grounds for appeal, while granting appointed counsel’s motion to withdraw. The court noted deficiencies in counsel’s Anders brief but concluded that Price’s pro se filings showed he had reviewed the record and had an opportunity to advocate for himself.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District
WRITING FOR THE COURT	W. Bruce Williams; Bailey, C.J.; Trotter, J.; Williams, J.
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	December 4, 2025
DOCKET	No. 11-24-00152-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Price appealed his jury conviction for aggravated assault with a deadly weapon and his fifty-year habitual-offender sentence. Appointed appellate counsel filed an Anders brief and moved to withdraw. After abating the appeal to ensure Price received a usable copy of the appellate record, the court independently reviewed the record, counsel's brief, and Price's pro se response.
STANDARD OF REVIEW	Under Anders and related Texas authority, the appellate court independently reviews the record to determine whether the appeal is wholly frivolous or whether arguable grounds for appeal exist.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated do not publish under Tex. R. App. P. 47.2(b).
PARTIES	Derek Kashif Price v. The State of Texas

TOPICS

appellate procedure

right to counsel

criminal procedure

PRACTICE AREAS

criminal appellate procedure

criminal procedure

right to counsel

QUESTIONS PRESENTED

1. Whether the appeal presented any arguable issue requiring appointment of new appellate counsel under Anders and Texas appellate procedure.
2. Whether the court could affirm the judgment despite deficiencies in appointed counsel's Anders brief after independently reviewing the record and considering Price's pro se response.
3. Whether appointed counsel's motion to withdraw should be granted.

HOLDINGS

1. The appeal was wholly without merit, and independent review of the record revealed no arguable issue or reversible error.
2. The court could affirm despite counsel's deficient Anders brief because the record showed that Price had access to and reviewed the record, filed a pro se response, and the court's independent review found no arguable issue.
3. The motion to withdraw was granted.

KEY QUOTATIONS

“It therefore fails to demonstrate that counsel conducted “a conscientious and thorough review of the law and facts” as he claims and, as appellate counsel, is required of him.” (at 2)

“Following the procedures outlined in Anders and Schulman, we have independently reviewed the record, the brief, and Appellant’s response, and conclude that the appeal is without merit.” (at 3)

FACTUAL BACKGROUND

During a dispute at an automotive repair technical college, Price punched instructor Thomas Felgar, knocking him unconscious. Price then used a twenty-pound steel alignment ramp to jump onto Felgar's head and chest twice, causing severe facial, physical, and neurological injuries that required hospitalization and multiple procedures. The jury considered witness testimony, photographs, medical records, video evidence, and Price's testimony before convicting him and assessing an enhanced fifty-year sentence based in part on prior robbery convictions.

PROCEDURAL HISTORY

A jury in the 432nd District Court of Tarrant County convicted Price of aggravated assault with a deadly weapon, found the habitual-offender enhancement true, and assessed fifty years' imprisonment. The trial court sentenced him accordingly. The appeal was transferred from the Second Court of Appeals under a docket-

equalization order, and the Eleventh Court of Appeals affirmed after conducting an Anders review and granting counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- In re Schulman, 252 S.W.3d 403, 406–12 (Tex. Crim. App. 2008)
- Pitchford v. State, No. 07-05-00254-CR, 2006 WL 1587153, at *1 (Tex. App.—Amarillo June 9, 2006) (order)
- Kelly v. State, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014)
- Limauro v. State, 675 S.W.3d 368, 375 (Tex. App.—Dallas 2023, no pet.)
- In re N.F.M., 582 S.W.3d 539, 546 (Tex. App.—San Antonio 2018, no pet.) (en banc)
- Bledsoe v. State, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005)
- Stafford v. State, 813 S.W.2d 503 (Tex. Crim. App. 1991)

OPINION

PER CURIAM.

Opinion filed December 4, 2025 In The Eleventh Court of Appeals _____ No. 11-24-00152-CR _____ DEREK KASHIF PRICE, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 432nd District Court Tarrant County, Texas 1 Trial Court Cause No. 1785443 MEMORANDUM OPINION Appellant, Derek Kashif Price, was convicted by a jury of aggravated assault with a deadly weapon, a second-degree felony.

See TEX. PENAL CODE ANN. § 22.02(a)(2) (West Supp. 2024). The jury found the habitual offender enhancement allegation to be “true,” and assessed Appellant’s punishment at imprisonment for 1 This appeal was transferred to this court from the Second Court of Appeals pursuant to a docket equalization order issued by the Texas Supreme Court. See TEX. GOV’T CODE ANN. § 73.001 (West Supp. 2024).

We decide this case in accordance with the precedent of the Second Court of Appeals under the principles of stare decisis. TEX. R. APP. P. 41.3. fifty years in the Institutional Division of the Texas Department of Criminal Justice.

Having found no arguable issues to present on appeal after an independent review of the record, we affirm. See Anders v. California, 386 U.S. 738 (1967); In re Schulman, 252 S.W.3d 403, 406–09 (Tex. Crim. App. 2008). During the guilt phase of trial, the State presented the testimony of six witnesses.

In March 2023, Appellant was a student at an automotive repair technical college where the victim, Thomas Felgar, was an instructor and education supervisor. On the afternoon of March 22, Appellant got into a dispute with his instructors over bringing his personal vehicle into the mechanic shop area. When Felgar told Appellant to remove his vehicle, Appellant punched Felgar, knocked him unconscious, and he fell to the floor.

Appellant then grabbed a twenty-pound steel alignment ramp, launched himself into the air, and came down ramp-first onto Felgar's head and chest. Appellant body slammed Felgar with the ramp again before he was tackled by another student; other students tried to keep Felgar alive until paramedics arrived. Felgar spent the following month in the hospital, endured multiple procedures to repair his facial injuries, and has lasting physical and neurological effects from the assault.

The jury reviewed photographs, medical records showing the extent of Felgar's injuries, and a cell phone video of Appellant jumping onto Felgar's unconscious body with the ramp. After the State rested its case-in-chief, Appellant testified. He admitted that he punched Felgar, who then "flew backward." "[E]nraged and resentful," he grabbed the ramp and jumped on Felgar twice.

According to Appellant, Felgar had "just tried to make [his] engine bay explode," so he was "forced to stop a[n] explosion." The jury deliberated for fifteen minutes before finding Appellant guilty. During the punishment phase, the State introduced judgments for Appellant's robbery convictions, presented the testimony of Felgar's wife, then the jury again heard from Appellant.

The jury found the habitual offender enhancement allegation 2 to be "true," and assessed a fifty-year term of imprisonment. See PENAL § 12.42 (West 2019). The trial court sentenced Appellant accordingly. Appellant's court-appointed counsel has filed a motion to withdraw and supporting brief in which he assures this court that, after conducting a professional evaluation of the record and applicable law, there are no arguable issues to present on appeal.

2 See *Anders*, 386 U.S. 738; *Schulman*, 252 S.W.3d at 406–09. Counsel has provided Appellant with a copy of the brief, a copy of the motion to withdraw, and an explanatory letter. Counsel also advised Appellant of his right to review the record and file a response to counsel's brief, and of his right to file a petition for discretionary review. See TEX. R. APP.

P. 68. Although counsel mailed Appellant a disc that purportedly contained the clerk's record and reporter's record, Appellant is incarcerated and therefore unable to receive an electronic copy of the appellate record.

Because appointed counsel bears the primary responsibility for ensuring an appellant's access to the record, we repeatedly directed counsel to provide Appellant with a record he can fully examine. See, e.g., *Pitchford v. State*, No. 07-05-00254- CR, 2006 WL 1587153, at *1 (Tex. App. —Amarillo June 9, 2006, order). It is important that he "facilitate the process of actuating his

client's right to review the 2 Appellate counsel's brief contains no specific facts, no legal analysis or citations to controlling authority, and incomplete or incorrect citations to the record.

It therefore fails to demonstrate that counsel conducted "a conscientious and thorough review of the law and facts" as he claims and, as appellate counsel, is required of him. *Kelly v. State*, 436 S.W.3d 313, 318 (Tex. Crim. App. 2014); see also *Schulman*, 252 S.W.3d at 407–08 (The Anders brief provides appellate courts "with a roadmap for their review of the record because the court itself must be assured that the attorney has made a legally correct determination that the appeal is frivolous.").

Generally, neither we nor our sister courts accept such boilerplate, inadequate briefs that fall below legal and professional standards. See *Limauro v. State*, 675 S.W.3d 368, 375 (Tex. App.—Dallas 2023, no pet.); *In re N.F.M.*, 582 S.W.3d 539, 546 (Tex. App.—San Antonio 2018, no pet.) (en banc) ("[C]ounsel's brief does not explain why counsel has concluded the issue is frivolous... in a way that allows appellant—without the assistance of a lawyer—to understand why [his] lawyer is not advocating on [his] behalf, to evaluate counsel's position, and to have a starting point to decide whether to file a pro se brief.").

However, Appellant's pro se filings reveal that he has reviewed the record and had the opportunity to advocate on his own behalf, and our independent review revealed no arguable issues. We thus affirm notwithstanding the deficient briefing provided. 3 appellate record." *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014); see also *Schulman*, 252 S.W.3d at 409–12; and *Stafford v. State*, 813 S.W.2d 503 (Tex.

Crim. App. 1991). To avoid further delay, we abated this appeal and the clerk of this court prepared and mailed a duplicate reporter's record and clerk's record to Appellant to use in preparing his response to counsel's Anders brief. Appellant filed a pro se response to counsel's Anders brief in which he contests the accuracy of the record.

In addressing an Anders brief and a pro se response, a court of appeals may only determine whether: (1) the appeal is wholly frivolous and, if so, issue an opinion explaining that it has independently reviewed the record and finds no reversible error; or (2) arguable grounds for appeal exist and, if so, remand the cause to the trial court to appoint new appellate counsel to brief the issues.

Schulman, 252 S.W.3d at 409; *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, the brief, and Appellant's response, and conclude that the appeal is without merit.³ Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment of the trial court.

W. BRUCE WILLIAMS JUSTICE December 4, 2025 Do not publish. See TEX. R. APP. P. 47.2(b). Panel consists of: Bailey, C.J., Trotter, J., and Williams, J. 3 Appellant has the right to file

a petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure.

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