

Affirmed and Memorandum Opinion filed September 16, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00218-CR

RODNEY EARL RANDOLPH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 180th District Court
Harris County, Texas
Trial Court Cause No. 0759654**

MEMORANDUM OPINION

Appellant was convicted of possession of a controlled substance and sentenced to confinement for 30 years in the Institutional Division of the Texas Department of Criminal Justice. On January 20, 2000, his conviction was affirmed. *See Randolph v. State*, 14-98-00514-CR; 2000 WL 38783 (Tex. App.—Houston [14th Dist.] January 20, 2000, pet. ref'd) (not designated for publication). On January 20, 2010, appointed counsel filed a motion for DNA testing, which the State opposed. The trial court denied appellant's motion and filed findings of fact and conclusions of law in which it determined that appellant failed to meet his burden under article 64.03(a)(2) of the Texas Code of Criminal Procedure.

Appellant's appointed counsel filed a brief in which she concludes the appeal is wholly frivolous and without merit. The brief meets the requirement of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967), by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and file a pro se response. *See Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991). As of this date, no pro se response has been filed.

We have carefully reviewed the record and counsel's brief and agree the appeal is wholly frivolous and without merit. Further, we find no reversible error in the record. We are not to address the merits of each claim raised in an *Anders* brief or a pro se response when we have determined there are no arguable grounds for review. *See Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005).

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Panel consists of Justices Anderson, Frost, and Brown.

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