

Affirmed and Memorandum Opinion filed December 16, 2010.



In The

Fourteenth Court of Appeals

NO. 14-10-00478-CR

CHRISTOPHER JOHN KITTS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 21st District Court
Washington County, Texas
Trial Court Cause No. 15,674**

MEMORANDUM OPINION

Appellant entered an open plea of guilty to evading arrest with a motor vehicle, a state jail felony, in cause number 15,674. Appellant elected to have the jury assess punishment. In the companion case, cause number 15,675, appellant entered a plea of not guilty to possession or transport of chemicals with the intent to manufacture a controlled substance. The same jury heard both cases. The jury acquitted appellant in the companion case. On May 18, 2010, pursuant to his plea on the evading arrest charge, the jury found appellant guilty in cause number 15,674, sentenced him to confinement for two years in the State Jail Division of the Texas Department of Criminal Justice, and assessed a

\$10,000 fine. Appellant filed motion for new trial, which was overruled by operation of law. Appellant filed a timely notice of appeal.

Appellant's appointed counsel filed a brief in which he 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. (Tex. Crim. App.1991). As of this date, more than 45 days has passed and 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 Seymore, Boyce and Christopher.
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