In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-15-00420-CR

GERALD LEE SEALS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 106th District Court
Garza County, Texas
Trial Court No. 14-2708, Honorable Carter T. Schildknecht, Presiding

March 14, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Appellant, Gerald Lee Seals, entered a plea of guilty to an indictment charging him with possession of a controlled substance, methamphetamine, in an amount of less than one gram.[1] Appellant was granted deferred adjudication community supervision. Subsequently, the State filed a motion to adjudicate based upon violations of his terms and conditions of deferred adjudication. Appellant entered a plea of true and the trial court entered a judgment finding appellant guilty of the original underlying possession

[1] *See* TEX. HEALTH & SAFETY CODE ANN. § 481.115(a), (b) (West 2010).

charge. Appellant was sentenced to eight years' confinement in the Institutional Division of the Texas Department of Criminal Justice (ID-TDCJ); however, the term of confinement was suspended and appellant was placed on community supervision for eight years. Thereafter, the State filed a motion to revoke appellant's community supervision.

The trial court conducted a hearing on the State's application to revoke community supervision. After hearing the evidence, the trial court revoked appellant's community supervision and sentenced appellant to serve eight years in the ID-TDCJ. Appellant has appealed the trial court's order revoking his community supervision. We will affirm.

Appellant's attorney has filed an *Anders* brief and a motion to withdraw. *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 498 (1967). In support of his motion to withdraw, counsel certifies that he has diligently reviewed the record, and in his opinion, the record reflects no reversible error upon which an appeal can be predicated. *Id*. at 744–45. In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978), counsel has candidly discussed why, under the controlling authorities, there is no error in the trial court's judgment. Additionally, counsel has certified that he has provided appellant a copy of the *Anders* brief and motion to withdraw and appropriately advised appellant of his right to file a *pro se* response in this matter. *Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991) (en banc). The Court has also advised appellant of his right to file a *pro se* response. Additionally, appellant's counsel has certified that he has provided appellant with a copy

of the record to use in preparation of a *pro se* response. *See Kelly v. State,* 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014). Appellant has not filed a response.

By his *Anders* brief, counsel raises grounds that could possibly support an appeal, but concludes the appeal is frivolous. We have reviewed these grounds and made an independent review of the entire record to determine whether there are any arguable grounds which might support an appeal. *See Penson v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). We have found no such arguable grounds and agree with counsel that the appeal is frivolous.[2]

Accordingly, counsel's motion to withdraw is hereby granted, and the trial court's judgment is affirmed.

Mackey K. Hancock
Justice

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[2] Counsel shall, within five days after this opinion is handed down, send his client a copy of the opinion and judgment, along with notification of appellant's right to file a *pro se* petition for discretionary review. *See* TEX. R. APP. P. 48.4.