In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-16-00089-CR

QUINTON HATFIELD, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 181st District Court
Potter County, Texas
Trial Court No. 69,504-B, Honorable John B. Board, Presiding

October 13, 2016

MEMORANDUM OPINION

Before QUINN, CJ., and CAMPBELL and HANCOCK, JJ.

Appellant Quinton Hatfield appeals the trial court's judgment revoking his community supervision and sentencing him to confinement for two years in a state jail and a fine of $500. His court-appointed appellate counsel has filed a motion to withdraw supported by an *Anders*[1] brief. We will grant counsel's motion to withdraw and affirm the judgment of the trial court.

[1] *Anders v. California,* 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967); *see In re Schulman,* 252 S.W.3d 403 (Tex. Crim. App. 2008).

An October 2014 indictment charged appellant with unauthorized use of a vehicle.[2] Pursuant to a plea-bargain agreement he judicially confessed he committed the charged offense. The trial court accepted his plea of guilty and imposed a sentence of two years' confinement in a state jail suspended in favor of four years' community supervision and a $500 fine.

In October 2015, the State filed an amended motion to revoke appellant's community supervision. The motion alleged multiple violations of the terms of appellant's community supervision order, including possession of heroin, two allegations of theft of property of $1,500 or more but less than $20,000, and traveling outside the geographic restriction of his community supervision order without permission.

At the hearing on the State's motion, appellant plead "true" to each violation of community supervision the State alleged.[3] He also testified. Following presentation of evidence, the court revoked appellant's community supervision and sentenced him as noted with credit for time served.

In her *Anders* brief, counsel concludes "after diligent review and research . . . there is no plausible basis for reversal, and the appeal is frivolous." The brief discusses the case background and details the hearing. The brief cites applicable law. Correspondence from counsel to appellant indicates counsel provided appellant a copy of her motion to withdraw and the *Anders* brief, and advised appellant of his right to file a response. The correspondence also indicates counsel supplied appellant with a

[2] TEX. PENAL CODE ANN. § 31.07 (West 2011).

[3] A plea of "true" to even one allegation in the State's motion is sufficient to support a judgment revoking community supervision. *Cole v. State*, 578 S.W.2d 127, 128 (Tex. Crim. App. 1979).

motion for access to the appellate record. Appellant did not file the motion but did file a response.

In his response, appellant raises two possible appellate issues. First he asserts he did not receive "back time" credit for a period of incarceration in the Tarrant County jail between March 27, 2015, and April 29, 2015. The clerk's record contains a trial court order, signed during the continuation of its plenary power, granting appellant credit for jail time served during the periods September 22, 2014 to September 25, 2014; May 1, 2015 to May 19, 2015; and August 31, 2015 to January 16, 2016. The order makes no mention of the period for which appellant seeks credit and we find nothing in the record showing he was confined in Tarrant County on this case for the time he argues. Appellant next urges the period of confinement to which he was sentenced should be reformed from two years to twenty-four months. In open court the trial court imposed a two-year sentence of incarceration and this is the term of confinement memorialized in the court's written judgment. We find appellant has not raised an arguably meritorious appellate point.

In conformity with the standards set by the United States Supreme Court, we do not rule on a motion to withdraw before independently examining the record. *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.). If we determine the appeal has arguable merit, we remand it to the trial court for appointment of new counsel. *Stafford v. State,* 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We have reviewed the entire record in this case to determine whether there is any arguable ground which might support an appeal. *Penson v. Ohio,* 488 U.S. 75, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *Bledsoe v. State,* 178 S.W.3d 824 (Tex. Crim. App. 2005).

Finding no arguable ground supporting a claim of reversible error, we agree with counsel that the appeal is frivolous.

Accordingly, we grant counsel's motion to withdraw[4] and affirm the judgment of the trial court.

James T. Campbell
Justice

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[4] Counsel shall, within five days after the opinion is handed down, send her client a copy of the opinion and judgment, along with notification of the defendant's right to file a pro se petition for discretionary review with the Court of Criminal Appeals. TEX. R. APP. P. 48.4.