



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-08-00217-CR

FRANK L. THOMPSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 71st Judicial District Court
Harrison County, Texas
Trial Court No. 08-0179X

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Frank L. Thompson appeals from his conviction by a jury for theft. *See* TEX. PENAL CODE ANN. § 31.03 (Vernon Supp. 2008). The jury assessed Thompson's punishment at two years' confinement in a state-jail facility and a \$10,000.00 fine. Thompson was represented by different, appointed counsel at trial and on appeal. Thompson's attorney has filed a brief in which he concludes, after a review of the record and the related law, that the appeal is frivolous and without merit.

Counsel states that he has studied the record and finds no error preserved for appeal that could be successfully argued. The brief contains a professional evaluation of the record and advances three arguable grounds for review. This meets the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991); and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978).

Counsel mailed a copy of the brief to Thompson January 6, 2009, informing Thompson of his right to examine the entire appellate record and to file a pro se response. Counsel simultaneously filed a motion with this Court seeking to withdraw as counsel in this appeal. Thompson has not filed a response or a request for an extension of time in which to file such a response.

We have determined that this appeal is wholly frivolous. We have independently reviewed the clerk's record and the reporter's record, and we agree that no arguable issues support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

We affirm the judgment of the trial court.¹

Josh R. Morriss, III
Chief Justice

Date Submitted: March 11, 2009

Date Decided: March 12, 2009

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¹Since we agree this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of Thompson in this case. No substitute counsel will be appointed. Should Thompson wish to seek further review of this case by the Texas Court of Criminal Appeals, Thompson must either retain an attorney to file a petition for discretionary review or Thompson must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this Court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this Court, after which it will be forwarded to the Texas Court of Criminal Appeals along with the rest of the filings in this case. *See* TEX. R. APP. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4.