



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

No. 06-13-00132-CR

BRIAN DAVIS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 188th District Court
Gregg County, Texas
Trial Court No. 41482-A

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

MEMORANDUM OPINION

Brian Davis appeals from his convictions, on his open pleas of guilty, for the offenses of burglary of a habitation and aggravated assault, both with deadly weapon findings. The case was tried to the court, and Davis was sentenced to thirty years' imprisonment on both counts, to run concurrently. Davis' attorney on appeal filed a brief on February 20, 2014, which states that he has reviewed the record. Counsel has provided a detailed summary of the evidence elicited during the course of the proceeding, and briefly explains the procedural history, stating that he has found no meritorious issues to raise for appeal. Although Davis was granted an extension of time to file his pro se response to April 23, 2014, no response has been filed, and no further communications have been received.

Counsel has provided a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced on appeal. This meets the requirements of *Anders v. California*, 386 U.S. 738, 743–44 (1967); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1981); and *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978).

As also required by *Anders*, counsel has filed a motion with this Court seeking to withdraw as counsel in this appeal. Counsel mailed a copy of his brief to Davis on February 16, 2014, along with a copy of the motion to withdraw and a letter informing Davis of his right to review the record and file a pro se response.

We have determined that this appeal is wholly frivolous. We have independently reviewed the clerk's record and the reporter's record and find no genuinely arguable issue. *See*

Halbert v. Michigan, 545 U.S. 605, 623 (2005). We, therefore, agree with counsel’s assessment that no arguable issues support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).¹

We affirm the judgment of the trial court.

Bailey C. Moseley
Justice

Date Submitted: May 27, 2014
Date Decided: June 11, 2014

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¹Since we agree that this case presents no reversible error, we also, in accord with *Anders*, grant counsel’s request to withdraw from further representation of appellant in this case. *Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, appellant must either retain an attorney to file a petition for discretionary review or appellant must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing or for en banc reconsideration was overruled by this Court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Texas Court of Criminal Appeals. *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.