



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

No. 06-16-00053-CR

MERVIN EDDIE MOORE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 1
McLennan County, Texas
Trial Court No. 20061057CR1

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

MEMORANDUM OPINION

Mervin Eddie Moore appeals his conviction for driving while intoxicated in McLennan County.¹ See TEX. PENAL CODE ANN. § 49.04 (West Supp. 2016). Moore was sentenced to ninety days' incarceration. Moore was represented by appointed counsel at trial and on appeal.

Moore's attorney on appeal has filed a brief which discusses the record and reviews the trial court proceedings in detail. The brief sets out the procedural history and summarizes the evidence elicited during the course of the proceeding. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal. See *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel has also filed a motion with this Court seeking to withdraw as counsel in this appeal.

Counsel provided Moore with a copy of the brief, the appellate record, and the motion to withdraw. Counsel also informed Moore of his right to file a pro se response and of his right to review the record. Moore's pro se response, if any, was due on or before June 21, 2016. Moore has not filed a pro se response, nor has he requested an extension of time in which to file such a response.

¹Originally appealed to the Tenth Court of Appeals in Waco, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (West 2013). We follow the precedent of the Tenth Court of Appeals in deciding this case. See TEX. R. APP. P. 41.3.

We have determined that this appeal is wholly frivolous. We have independently reviewed the clerk's record,² 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).

In the *Anders* context, once we determine that the appeal is frivolous, we must affirm the trial court's judgment. *See Anders*, 386 U.S. 738.

We affirm the judgment of the trial court.³

Ralph K. Burgess
Justice

Date Submitted: August 2, 2016
Date Decided: August 16, 2016

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²Moore executed a waiver of his right to have the proceeding recorded by a court reporter.

³Since we agree this case presents no reversible error, we also, in accordance 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 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.