



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

No. 06-19-00071-CR

MIKAYLA POTEET, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 145th District Court
Nacogdoches County, Texas
Trial Court No. F1522117

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

MEMORANDUM OPINION

MiKayla Poteet pled guilty to abandoning a child and was sentenced to one year of confinement in State Jail with the Texas Department of Criminal Justice.¹ *See* TEX. PENAL CODE ANN. § 22.041(b). Poteet appeals.

Poteet's attorney on appeal has filed a brief that states that he has reviewed the record and has found no genuinely arguable issues that could be raised. The brief sets out the procedural history and summarizes the evidence elicited during the course of the proceeding. Providing a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced, counsel has met the requirements of *Anders v. California*. *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 also filed a motion with this Court seeking to withdraw as counsel in this appeal.

By letter dated June 17, 2019, counsel mailed to Poteet a copy of the brief, the motion to withdraw, and a motion for pro se access to the appellate record lacking only Poteet's signature. Poteet was also informed of her right to review the appellate record and file a pro se response. By letter dated June 17, this Court informed Poteet that any pro se response was due on or before July 18, 2019. On July 24, this Court further informed Poteet that the case would be set for

¹Originally appealed to the Twelfth Court of Appeals, 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. We follow the precedent of the Twelfth Court of Appeals in deciding this case. *See* TEX. R. APP. P. 41.3.

submission on the briefs on August 14. We received neither a pro se response from Poteet nor a motion requesting 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 entire appellate record and, like counsel, have determined that no arguable issue supports 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 without merit, we must affirm the trial court’s judgment. *Id.*

We affirm the judgment of the trial court.²

Josh R. Morriss, III
Chief Justice

Date Submitted: August 14, 2019
Date Decided: August 19, 2019

Do Not Publish

²Since we agree that 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. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire 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 file a pro se petition for discretionary review. Any petition for discretionary review (1) 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, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.