

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**ON REHEARING**

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**NO. 03-15-00560-CR**

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**Robert Paradise, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 119TH JUDICIAL DISTRICT  
NO. B-12-0414-SB, HONORABLE BEN WOODWARD, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

We withdraw the opinion and judgment dated May 13, 2016, and substitute the following opinion and judgment in their place.

Appellant Robert Paradise pled guilty to the charge of arson, *see* Tex. Penal Code § 28.02(a) (setting out elements of offense), and stipulated to the enhancement paragraph of the indictment. The trial court deferred adjudication of the offense, *see* Tex. Code Crim. Proc. art. 42.12, § 5, and placed appellant on community supervision for eight years. Subsequently, the State moved to revoke appellant's community supervision, alleging that appellant had violated the conditions of his deferred adjudication agreement. *See id.* § 21. At the conclusion of a revocation

hearing, the trial court adjudicated appellant guilty and sentenced him to forty years' imprisonment and payment of restitution. *See id.* § 23; Tex. Penal Code § 12.32.

Appellant's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. Counsel's brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. *See Anders v. California*, 386 U.S. 738, 744-45 (1967); *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also Penson v. Ohio*, 488 U.S. 75, 80-82 (1988). Appellant's counsel has represented to the Court that he provided copies of the motion and brief to appellant; advised appellant of his right to examine the appellate record, file a pro se brief, and pursue discretionary review following the resolution of the appeal in this Court; and provided appellant with a form motion for pro se access to the appellate record along with the mailing address of this Court. *See Kelly v. State*, 436 S.W.3d 313, 319-21 (Tex. Crim. App. 2014); *see also Taylor v. Texas Dep't of Protective & Regulatory Svcs.*, 160 S.W.3d 641, 646-47 n.4 (Tex. App.—Austin 2005, pet. denied). Appellant requested and received the appellate record and filed a pro se brief. Appellant also requested the appointment of another attorney to consult with him.

We have independently reviewed the record and appellant's pro se brief and have found nothing that might arguably support the appeal. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766; *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We agree with counsel that the appeal is frivolous and without merit. Finding no arguable grounds for appeal,

appellant's request for remand to the trial court for appointment of new counsel is denied. We grant counsel's motion to withdraw and affirm the judgment of conviction.<sup>1</sup>

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David Puryear, Justice

Before Justices Puryear, Goodwin, and Field

Affirmed on Rehearing

Filed: June 24, 2016

Do Not Publish

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<sup>1</sup> No substitute counsel will be appointed. Should appellant wish to seek further review of his case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. *See generally* Tex. R. App. P. 68-79 (governing proceedings in Court of Criminal Appeals). Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the date that this Court overrules the last timely motion for rehearing filed. *See id.* R. 68.2. The petition must be filed with the clerk of the Court of Criminal Appeals. *Id.* R. 68.3(a). If the petition is mistakenly filed with this Court, it will be forwarded to the Court of Criminal Appeals. *Id.* R. 68.3(b). Any petition for discretionary review should comply with the rules of appellate procedure. *See id.* R. 68.4. Once this Court receives notice that a petition has been filed, the filings in this case cause will be forwarded to the Court of Criminal Appeals. *See id.* R. 68.7.