

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00121-CR

Samuel Albert House, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 74736, HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

MEMORANDUM OPINION

Samuel Albert House was charged with failing to register as a sex offender. *See* Tex. Code Crim. Proc. art. 62.102. After being charged, House entered a plea of guilty, and the district court deferred his adjudication and placed him on community supervision for five years. More than a year later, the State filed a motion to adjudicate alleging that House had violated several conditions of his community supervision. After convening a hearing on the motion, the district court revoked House's community supervision, adjudicated him guilty of the charged offense, and sentenced him to five years in prison. *See* Tex. Penal Code § 12.34. House appeals the district court's judgment adjudicating his guilt.

House's court-appointed attorney on appeal 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* 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, 81-82 (1988) (explaining that *Anders* briefs serve purpose of “assisting the court in determining both that counsel in fact conducted the required detailed review of the case and that the appeal is . . . frivolous”). House’s counsel has represented to the Court that she provided copies of the motion and brief to House; advised House 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 House 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, 319-20 (Tex. Crim. App. 2014). House has not requested a copy of the appellate record nor filed a pro se brief.

We have independently reviewed the record and have found nothing that might arguably support the appeal. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. We agree with counsel that the appeal is frivolous and without merit. We grant counsel’s motion to withdraw and affirm the district court’s judgment adjudicating guilt.¹

¹ No substitute counsel will be appointed. Should House 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. 66-79 (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 will be forwarded to the Court of Criminal Appeals. *See id.* R. 68.7.

David Puryear, Justice

Before Justices Puryear, Bourland, and Toth

Affirmed

Filed: October 24, 2018

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