

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

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**NO. 03-22-00256-CR**

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**Joseph Alexander Burpee, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 453RD DISTRICT COURT OF HAYS COUNTY  
NO. CR-19-1173-E, THE HONORABLE SHERRI TIBBE, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Joseph Alexander Burpee was charged with one count of the offense of possession of a controlled substance, methamphetamine, and one count of the offense of possession of a controlled substance, psilocin. *See* Tex. Health & Safety Code §§ 481.115(a), (c), .116(a), (c). Appellant was found guilty by a jury of the charged offense and, for each count, was sentenced to five years' confinement in the Texas Department of Criminal Justice—Institutional Division, with the sentences to run concurrently. Appellant appeals the trial court's judgments of conviction.

Appellant's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See* 386 U.S. 738, 744 (1967);

*Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also Penson v. Ohio*, 488 U.S. 75, 86-87 (1988).

Appellant's counsel has represented to the Court that he has provided copies of the motion and brief to appellant; advised appellant of his right to examine the appellate record and file a pro se brief; provided appellant with a complete copy of the appellate record; and notified appellant of his deadline to file pro se brief, 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 Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. To date, appellant has not filed a pro se brief.

We have conducted an independent review of the record, including appellate counsel's brief, and find no reversible error. *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 record presents no arguably meritorious grounds for review and the appeal is frivolous.

Counsel's motion to withdraw is granted. The trial court's judgments of conviction are affirmed.

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Chari L. Kelly, Justice

Before Justices Baker, Kelly, and Smith

Affirmed

Filed: December 30, 2022

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