

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00554-CR

Edward Baltierra, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE 421ST DISTRICT COURT OF CALDWELL COUNTY
NO. 19-185, THE HONORABLE CHRIS SCHNEIDER, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Edward Baltierra, Jr. was convicted by a jury of possession of methamphetamine in an amount of less than one gram and sentenced to ten years' confinement and a \$10,000 fine. *See* Tex. Health & Safety Code §§ 481.032, .115(b); Tex. Penal Code § 12.425(a).

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, 81–82 (1988). Appellant's counsel has certified to this Court that she sent copies of the motion and brief to appellant, advised appellant of his right to examine the appellate record

and file a pro se response, and provided a motion to assist appellant in obtaining the record. *See Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014); *see also Anders*, 386 U.S. at 744. No pro se response has been filed.

We have conducted an independent review of the record—including the record of the trial and sentencing proceedings below and 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 judgment of conviction is affirmed.

Edward Smith, Justice

Before Chief Justice Byrne, Justices Triana and Smith

Affirmed

Filed: August 31, 2023

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