

**NOS. 12-09-00340-CR
12-09-00341-CR**

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

JUSTIN DWINN JOHNSON, § ***APPEAL FROM THE 114TH***
APPELLANT

V. § ***JUDICIAL DISTRICT COURT***

THE STATE OF TEXAS, § ***SMITH COUNTY, TEXAS***
APPELLEE

***MEMORANDUM OPINION
PER CURIAM***

Justin Dwinn Johnson appeals his convictions for aggravated robbery and engaging in organized criminal activity. Appellant pleaded guilty to both offenses. The trial court assessed punishment at thirty years of imprisonment in each case, the sentences to run concurrently. Appellant's counsel filed a motion to withdraw and a brief in support of that motion in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Thereafter, Appellant filed a pro se brief. We dismiss Appellant's appeals.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

Appellant's counsel filed a brief in compliance with *Anders* and *Gainous*, stating that he is well acquainted with the facts in these cases and has diligently reviewed the appellate records. In compliance with *Anders*, *Gainous*, and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978), Appellant's brief presents a chronological summation of the procedural history of the cases, and further states that Appellant's counsel is of the opinion that the records reflect no reversible error and counsel is unable to raise any arguable issues for appeal.

Appellant filed a pro se brief in which he raised issues concerning sufficiency of the evidence, due process violations, double jeopardy, ineffective assistance of counsel, and the validity of the deadly weapon finding. We have considered counsel's brief and Appellant's pro se brief and conducted our own independent review of the records. We have found no reversible error. See *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

CONCLUSION

As required, Appellant's counsel has moved for leave to withdraw. See *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We are in agreement with Appellant's counsel that the appeals are wholly frivolous. Accordingly, his motion to withdraw is hereby *granted*, and we *dismiss* these appeals. See *In re Schulman*, 252 S.W.3d at 408-09.

Counsel has a duty to, within five days of the date of this opinion, send a copy of the opinion and judgment to Appellant and advise him of his right to file a petition for discretionary review. See TEX. R. APP. P. 48.4; *In re Schulman*, 252 S.W.3d at 411 n.35. Should Appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or he must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of this opinion or the date the last timely filed motion for rehearing is overruled by this court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this court, after which it will be forwarded to the Texas Court of Criminal Appeals along with the rest of the filings in the case. See TEX. R. APP. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 68.4; *In re Schulman*, 252 S.W.3d at 408 n.2.

Opinion delivered July 7, 2010.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)