



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

|                       |   |                               |
|-----------------------|---|-------------------------------|
| SCOTT ALAN SCHNURPEL, | § | No. 08-20-00240-CR            |
|                       | § |                               |
| Appellant,            | § | Appeal from the               |
| v.                    | § | 207th Judicial District Court |
|                       | § |                               |
| THE STATE OF TEXAS,   | § | of Comal County, Texas        |
|                       | § |                               |
| Appellee.             | § | (TC# CR-2016-665)             |

**MEMORANDUM OPINION**

Appellant, Scott Alan Schnurpel, appeals his conviction for Possession of a Controlled Substance Penalty Group 1, Methamphetamine, one gram or more but less than four grams, which was enhanced by three previous felony convictions.<sup>1</sup> (Counsel for Appellant filed an *Anders* brief and motion to withdraw. We grant counsel’s motion and affirm.

**FACTUAL SUMMARY**

The State indicted Appellant for Possession of a Controlled Substance Penalty Group 1, Methamphetamine, one gram or more but less than four grams. A jury convicted Appellant as charged in the indictment. Prior to punishment, Appellant pled true to three previous convictions alleged as enhancements—felony offense of Possession of a Controlled Substance with Intent to

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<sup>1</sup> This case was transferred from the 3rd Court of Appeals of Texas, our sister court in Austin. We decide it in accordance with the precedent of that court. TEX. R. APP. P. 41.3.

Deliver Methamphetamine; felony offense of Possession of a Controlled Substance, Methamphetamine, four grams or more but less than two hundred grams; and felony offense of Unlawfully, Intentionally and Knowingly Possessing a Controlled Substance, Cocaine. The trial court assessed punishment at 25 years in the Institutional Division of the Texas Department of Criminal Justice.

### **FRIVOLOUS APPEAL**

Appellant's court-appointed counsel has filed a brief in which he has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. *See In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex. Crim. App. 2008) ("In Texas, an Anders brief need not specifically advance 'arguable' points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities."); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978). Counsel has notified the Court in writing that he has delivered a copy of counsel's brief and the motion to withdraw to Appellant, and he has advised Appellant of his right to review the record, file a *pro se* brief, and to seek discretionary review. *Kelly v. State*, 436 S.W.3d 313, 318-20 (Tex. Crim. App. 2014) (setting forth duties of counsel). Counsel also provided Appellant with a motion for *pro se* access to the appellate record. Appellant has not filed a *pro se* brief.

After carefully reviewing the record and counsel's brief, we conclude the appeal is wholly frivolous. Further, we find nothing in the record that might arguably support the appeal. We grant appellate counsel's motion to withdraw in accordance with *Anders v. California*.

**CONCLUSION**

We affirm the trial court's judgment.

GINA M. PALAFOX, Justice

July 22, 2021

Before Rodriguez, C.J., Palafox, and Alley, JJ.

(Do Not Publish)