

Opinion filed October 5, 2017



In The  
**Eleventh Court of Appeals**

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Nos. 11-17-00088-CR & 11-17-00089-CR

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**JAMES STEPHEN BLACKMER, II, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 29th District Court  
Palo Pinto County, Texas  
Trial Court Cause Nos. 16030 & 16033**

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**MEMORANDUM OPINION**

Based upon his open pleas of guilty, James Stephen Blackmer, II was convicted of the second-degree felony offense of delivery of a controlled substance, namely methamphetamine, in an amount of one gram or more but less than four grams in a drug-free zone and the first-degree felony offense of delivery of a controlled substance, namely methamphetamine, in an amount of four grams or more but less than two hundred grams in a drug-free zone. *See* TEX. HEALTH & SAFETY

CODE ANN. §§ 481.112(c), (d), 481.134(c) (West 2017). The jury assessed Appellant's punishment at confinement for twenty years and thirty-five years, respectively, and the trial court ordered the sentences to run concurrently. We dismiss the appeals.

Appellant's court-appointed counsel has filed a motion to withdraw in both causes. The motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and concludes that the appeals are frivolous and without merit. Counsel has provided Appellant with a copy of the brief, the motion to withdraw, and the appellate record with respect to these appeals. Counsel also advised Appellant of his right to review the record and file a response to counsel's brief. Appellant has not filed a response.<sup>1</sup>

Court-appointed counsel has complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969); and *Eaden v. State*, 161 S.W.3d 173 (Tex. App.—Eastland 2005, no pet.). Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the records, and we agree that the appeals are without merit and should be dismissed. *See Schulman*, 252 S.W.3d at 409.

We note that counsel has the responsibility to advise Appellant that he may file a petition for discretionary review with the clerk of the Texas Court of Criminal Appeals seeking review by that court. TEX. R. APP. P. 48.4 ("In criminal cases, the

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<sup>1</sup>This court granted Appellant thirty days in which to exercise his right to file a response to counsel's brief.

attorney representing the defendant on appeal shall, within five days after the opinion is handed down, send his client a copy of the opinion and judgment, along with notification of the defendant's right to file a *pro se* petition for discretionary review under Rule 68.”). Likewise, this court advises Appellant that he may file a petition for discretionary review pursuant to TEX. R. APP. P. 68.

We grant the motion to withdraw in each cause, and we dismiss the appeals.

PER CURIAM

October 5, 2017

Do not publish. *See* TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
Willson, J., and Bailey, J.