

Opinion filed September 14, 2023



In The  
**Eleventh Court of Appeals**

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No. 11-22-00246-CR

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**MONTE DAWN MCGOWAN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 42nd District Court  
Taylor County, Texas  
Trial Court Cause No. 29506-A**

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**MEMORANDUM OPINION**

Monte Dawn McGowan, Appellant, waived his right to a jury trial and entered an open plea of guilty to the offense of possession of methamphetamine, a third-degree felony, enhanced with a prior felony conviction. *See* TEX. PENAL CODE ANN. § 12.42(a) (West 2019); TEX. HEALTH & SAFETY CODE ANN. § 481.115(a), (c) (West Supp. 2022). Appellant pled “true” to the State’s enhancement allegation. Appellant testified at sentencing. The trial court found Appellant guilty and assessed his punishment at imprisonment for fifteen years in the Institutional Division of the Texas Department of Criminal Justice. We affirm.

Appellant's court-appointed counsel has filed in this court a motion to withdraw. The motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and concludes that the appeal is frivolous and without merit. Counsel has provided Appellant with a copy of the brief, a copy of the motion to withdraw, an explanatory letter, and a copy of both the clerk's record and the reporter's record. Counsel advised Appellant of his right to review the record and file a response and of his right to file a petition for discretionary review with the clerk of the Texas Court of Criminal Appeals seeking review by that court. *See* TEX. R. APP. P. 68. 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); and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991).

Appellant has not filed a response to counsel's *Anders* brief. Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, and we agree with counsel that the appeal is frivolous and without merit.<sup>1</sup>

Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment of the trial court.

W. STACY TROTTER  
JUSTICE

September 14, 2023

Do not publish.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

Panel consists of: Bailey, C.J.,  
Trotter, J., and Williams, J.

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<sup>1</sup>We note that Appellant has a right to file a petition for discretionary review pursuant to Rule 68 of the Texas Rules of Appellate Procedure.