

AFFIRM; Opinion Filed January 18, 2013.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-12-00555-CR

TOMMY RAY MITCHELL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 363rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F09-24496-W

MEMORANDUM OPINION

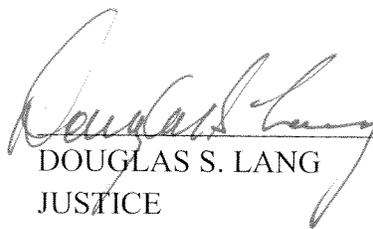
Before Justices Moseley, Francis, and Lang
Opinion by Justice Lang

Tommy Ray Mitchell appeals from the adjudication of his guilt for aggravated assault with a deadly weapon. *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2011). The trial court assessed punishment at three years' imprisonment. On appeal, appellant's attorney filed a brief in which she concludes the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 811 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to appellant.

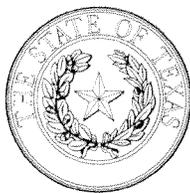
Appellant filed a pro se response raising several issues. A court of appeals is not required to address the merits of claims raised in a pro se response. *See Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). Rather, the Court's duty is to determine whether there are any arguable issues, and, if so, to remand the case to the trial court so that new counsel may be appointed to address those issues. *Id.*

After reviewing counsel's brief, appellant's pro se response, and the record, we agree the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal.

We affirm the trial court's judgment.


DOUGLAS S. LANG
JUSTICE

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TEX. R. APP. P. 47
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TOMMY RAY MITCHELL, Appellant

No. 05-12-00555-CR V.

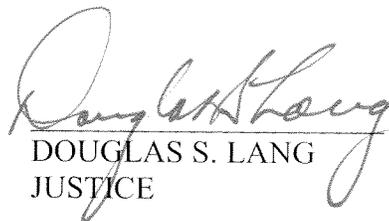
THE STATE OF TEXAS, Appellee

Appeal from the 363rd Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F09-24496-W).

Opinion delivered by Justice Lang, Justices
Moseley and Francis participating.

Based on the Court's opinion of this date, the trial court's judgment is **AFFIRMED**.

Judgment entered January 18, 2013.


DOUGLAS S. LANG
JUSTICE