

Opinion issued May 15, 2008



In The
Court of Appeals
For The
First District of Texas

NO. 01-07-00336-CR

JOHN CARL ALLEN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 10th District Court
Galveston County, Texas
Trial Court Cause No. 06CR0971**

MEMORANDUM OPINION

Appellant, John Carl Allen, pleaded guilty, without an agreed punishment recommendation from the State, to the offense of aggravated assault with a deadly

weapon.¹ After appellant also pleaded true to the allegation in one enhancement paragraph that he had a prior felony conviction, the trial court assessed his punishment at confinement for twenty-five years.

Appellant's counsel on appeal has filed a brief stating that the record presents no reversible error and that the appeal is without merit and is frivolous. *See Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 1400 (1967). The brief meets the requirements of *Anders* by presenting a professional evaluation of the record and detailing why there are no arguable grounds for reversal. *Id.*; *see also High v. State*, 573 S.W.2d 807, 810 (Tex. Crim. App. [Panel Op.] 1978). The brief also reflects that counsel delivered a copy of the brief to appellant. *See Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991). Although the brief does not reflect that counsel informed appellant of his right to file a pro se response, appellant filed a pro se response and we granted a motion for extension of time for appellant to file his pro se response.

In his pro se response, in three points of error, appellant contends that his trial counsel rendered ineffective assistance, the trial court erred in overruling his trial counsel's objections to leading questions and admitting into evidence prejudicial photographs and the victim impact statement, and the State committed prosecutorial

¹ *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (Vernon Supp. 2007).

misconduct. Having reviewed the record, counsel’s brief, and appellant’s pro se brief, we agree that the appeal is frivolous and without merit and that there is no reversible error. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

We affirm the judgment of the trial court. We grant counsel’s motion to withdraw. *See Stephens v. State*, 35 S.W.3d 770, 771 (Tex. App.—Houston [1st Dist.] 2000, no pet.).²

Terry Jennings
Justice

Panel consists of Justices Taft, Jennings, and Bland.

Do not publish.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

² Appointed counsel still has a duty to inform appellant of the result of this appeal and that he may, on his own, pursue discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005); *Downs v. State*, 137 S.W.3d 837, 842 n.2 (Tex. App.—Houston [1st Dist.] 2004, pet. ref’d).