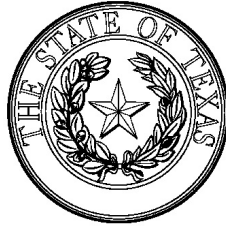


Opinion issued December 4, 2008



In The
Court of Appeals
For The
First District of Texas

NO. 01-08-00562-CR

PAUL B. ROACH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Court Cause No. 86644**

MEMORANDUM OPINION

Appellant, Paul B. Roach,¹ pleaded guilty to the offense of delivery of a controlled substance. After a pre-sentence investigation hearing, the trial court

¹ Appellant Paul B. Roach is also known as Paul Bryan Roach.

deferred adjudication of guilt, placed appellant on community supervision for five years, and assessed a fine of \$1000. On February 28, 2008, the State filed a second motion to adjudicate guilt to which appellant pleaded true to count 1 and count 2 of the State's motion, and the trial court found to be true the State's allegations that appellant had violated the conditions of his community supervision. The court rescheduled the case for a sentencing hearing. On May 12, 2008 the court found appellant guilty of the original charge, and sentenced him to confinement for 3 years. Appellant filed a pro se notice of appeal.

Appellant's counsel on appeal has filed a brief stating that the record presents no reversible error, that this appeal is without merit and is frivolous, and that the appeal must be dismissed or affirmed. *See Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, (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 in these cases. *Id.* at 744, 87 S. Ct. at 1400; *see also High v. State*, 573 S.W.2d 807, 810 (Tex. Crim. App. 1978).

Counsel represents that he has served a copy of the brief on appellant. Counsel also advised appellant of his right to examine the appellate record and file a *pro se* brief. *See Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991). More than 30 days have passed, and appellant has not filed a *pro se* brief. Having reviewed the record and counsel's 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 and grant counsel's motion to withdraw.²

PER CURIAM

Panel consists of Chief Justice Radack, and Justices Nuchia and Higley.

Do not publish. TEX. R. APP. P. 47.4.

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, 826-27 (Tex. Crim. App. 2005).