

Opinion issued July 22, 2010



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-09-00073-CR

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**BLEMY PIERRE, Appellant**  
V.  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 185th District Court  
Harris County, Texas  
Trial Court Case No. 1126081**

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**MEMORANDUM OPINION**

A jury found appellant, Blemy Pierre, guilty of the offense of aggravated robbery,<sup>1</sup> and, after appellant pleaded true to two prior felony enhancements, assessed his punishment at 99 years' confinement.

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 and advised appellant of his right to file a pro se response. *See Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991).

When this Court receives an *Anders* brief from a defendant's court-appointed appellate counsel, we conduct a review of the entire record to determine whether the appeal is frivolous, i.e., whether it presents any arguable grounds for appeal. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400; *Stafford v. State*, 813 S.W.2d at 511. An appeal is frivolous when it does not present any argument that could "conceivably persuade the court." *In re Schulman*, 252 S.W.3d 403, 407 n. 12 (Tex. Crim. App. 2008). In our review, we consider appellant's pro se response,

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<sup>1</sup> *See* TEX. PENAL CODE ANN. § 29.03(a)(2) (Vernon 2003).

if any, to his counsel's *Anders* brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

Appellant has filed a pro se response, contending the State's witnesses were not credible and that the investigating police officer framed appellant for robbery. Having reviewed the record, counsel's brief, and appellant's pro se response, we agree that the appeal is frivolous and without merit and that there is no reversible error. *See id.*

### **CONCLUSION**

We affirm the judgment of the trial court. We grant appellate counsel's motion to withdraw.<sup>2</sup> *See Stephens v. State*, 35 S.W.3d 770, 771-72 (Tex. App.—Houston [1st Dist.] 2000, no pet.) (per curiam).

### **PER CURIAM**

Panel consists of Chief Justice Radack and Justices Bland and Sharp.

Do not publish.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

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<sup>2</sup> 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).