Opinion issued November 18, 2010

In The

Court of Appeals

For The

First District of Texas

NO. 01-09-00688-CR

ANDRE D. FRITZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 185th Criminal District Court
Harris County, Texas
Trial Court Case No. 1154807

MEMORANDUM OPINION

A jury found appellant, Andre D. Fritz, guilty of the offense of aggravated robbery[1] and assessed his punishment at confinement for thirty years.

---

[1] *See* TEX. PENAL CODE ANN. §§ 29.02–.03 (Vernon 2003).

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*, 368 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 appellant 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, S. Ct. at 1400; *Stafford*, 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 the appellant's pro se response, if any, to his counsel's *Ander's* brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

Appellant did not file a pro se response with this Court. 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 id.*

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

Terry Jennings
Justice

Panel consists of Justices Jennings, Alcala, and Sharp.

Do not publish.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).