Opinion issued February 10, 2011

In The

Court of Appeals

For The

First District of Texas

NO. 01-09-00894-CR

ANTHONY TROY HAWKINS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 262nd Judicial District Court
Harris County, Texas
Trial Court Case No. 1139495

MEMORANDUM OPINION

Appellant, Anthony Troy Hawkins, without an agreed punishment recommendation from the State, pleaded guilty to the offense of possession with

intent to deliver cocaine,[1] and the trial court deferred adjudication of his guilt, placed him on community supervision for ten years, and assessed a fine of $500. The State subsequently filed a motion to adjudicate appellant's guilt, alleging several violations of the conditions of appellant's community supervision. After hearing evidence on the motion, the trial court found appellant guilty and assessed his punishment at confinement for twenty years.

Appellant's counsel on appeal has filed a brief stating that the record presents no reversible error and 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

[1] *See* TEX. HEALTH & SAFETY CODE ANN. § 481.112(a), (f) (Vernon 2010).

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).

PER CURIAM

Panel consists of Justices Jennings, Higley, and Brown.

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).