

Opinion issued June 16, 2011



In The
Court of Appeals
For The
First District of Texas

NOS. 01-10-00927-CR, 01-10-00928-CR, 01-10-00929-CR

LEONARDO QUINONEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Case Nos. 1042909, 1042910, 1042911**

MEMORANDUM OPINION

Appellant, Leonardo Quinonez, challenges the trial court's order denying his motion for post-conviction DNA testing.¹

¹ See TEX. CODE CRIM. PROC. ANN. art. 64.03 (Vernon 2010).

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

Here, appellant has filed a pro se response, contending in two issues that the interest of justice requires the trial court to order DNA testing of biological

material in the State's possession. 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.*

We affirm the order of the trial court. We grant 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, Bland, and Massengale.

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).