

Opinion issued September 20, 2018



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

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NO. 01-18-00098-CR

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**TRENT EMANUEL SHELNUTT, Appellant**  
V.  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 344th District Court  
Chambers County, Texas  
Trial Court Case No. 17917**

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**MEMORANDUM OPINION**

Appellant, Trent Emanuel Shelnutt, pleaded guilty to the offense of Possession of a Controlled Substance (Methamphetamine) in an amount of 1 gram or more but less than 4 grams. *See* TEX. HEALTH & SAFETY CODE §§ 481.102(6), 481.115(c). In accordance with appellant's plea bargain with the State, the trial court sentenced

appellant to four years' imprisonment, suspended the sentence, and placed appellant on community supervision for four years. The State subsequently moved to revoke appellant's community supervision and impose the sentence, alleging multiple violations of the conditions of appellant's community supervision. Appellant pleaded not true to the allegations. After a hearing, the trial court signed a judgment revoking appellant's community supervision and sentencing appellant to four years imprisonment. Appellant timely filed a notice of appeal.

Appellant's appointed counsel on appeal has filed a motion to withdraw, along with an *Anders* brief stating that the record presents no reversible error and that, therefore, the appeal is without merit and is frivolous. *See Anders v. California*, 386 U.S. 738 (1967). Counsel's brief meets the *Anders* requirements by presenting a professional evaluation of the record and supplying this Court with references to the record and legal authority. *See id.* at 744; *see also High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978). Counsel indicates that he has thoroughly reviewed the record and that he is unable to advance any grounds of error that warrant reversal. *See Anders*, 386 U.S. at 744; *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.).

Appellant's counsel certified that he mailed appellant copies of the motion to withdraw and *Anders* brief, the clerk's record, and the reporter's record; counsel

further certified that he informed appellant of his right to file a response. *See In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008).

We have independently reviewed the entire record in this appeal, and we conclude that no reversible error exists in the record, that there are no arguable grounds for review, and that therefore the appeal is frivolous. *See Anders*, 386 U.S. at 744 (emphasizing that reviewing court—and not counsel—determines, after full examination of proceedings, whether appeal is wholly frivolous); *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009) (reviewing court must determine whether arguable grounds for review exist); *Bledsoe v. State*, 178 S.W.3d 824, 826–28 (Tex. Crim. App. 2005) (reviewing court is not to address merits of each claim raised in *Anders* brief or *pro se* response after determining there are no arguable grounds for review); *Mitchell*, 193 S.W.3d at 155. An appellant may challenge a holding that there are no arguable grounds for appeal by filing a petition for discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe*, 178 S.W.3d at 827 n.6.

Accordingly, we affirm the judgment of the trial court and grant counsel’s motion to withdraw.<sup>1</sup> *See* TEX. R. APP. P. 43.2(a). Attorney Dan P. Bradley must

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<sup>1</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, 826–27 (Tex. Crim. App. 2005).

immediately send the required notice and file a copy of that notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c). We dismiss any other pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Brown and Caughey.

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