

Opinion issued January 27, 2022



In The
Court of Appeals
For The
First District of Texas

NOS. 01-21-00230-CR
01-21-00231-CR
01-21-00232-CR

BRITTANY NICOLE CASTILLE, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 212th District Court
Galveston County, Texas
Trial Court Cause Nos. 20-CR-0304, 20-CR-0305, 20-CR-0306

MEMORANDUM OPINION

Appellant, Brittany Nicole Castille, pleaded guilty, without an agreed punishment recommendation from the State, to three separate felony offenses of possession with intent to deliver a controlled substance, namely: methamphetamine,

in an amount of at least 4 grams but less than 200 grams¹; heroin, in an amount of at least 1 gram but less than 4 grams²; and amphetamine, in an amount of at least 4 grams but less than 400 grams.³ In each case, the trial court found sufficient evidence to find appellant guilty and assessed her punishment at confinement for ten years, with the sentences to run concurrently.

Appellant's appointed counsel on appeal has filed a motion to withdraw, along with a brief stating that, in each case, the record presents no reversible error and that 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 each record and supplying us with references to the record and legal authority. *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 each record and that he is unable to advance any ground of error that warrants 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.).

¹ Appellate cause number 01-21-00230-CR is trial court case number 20-CR-0304. *See* TEX. HEALTH & SAFETY CODE § 481.112(a), (d); *see also id.* § 481.102.

² Appellate cause number 01-21-00231-CR is trial court case number 20-CR-0305. *See id.* § 481.112(a), (c); *see also id.* § 481.102.

³ Appellate cause number 01-21-00232-CR is trial court case number 20-CR-0306. *See id.* § 481.113(a), (d); *see also id.* § 481.103.

Appellant's counsel has certified that he mailed a copy of the motion to withdraw and the *Anders* brief to appellant and informed appellant of her right to file a response and to access the record. *See In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008). Furthermore, counsel certified that he sent appellant the form motion for pro se access to the records for her response. *See Kelly v. State*, 436 S.W.3d 313, 320 (Tex. Crim. App. 2014). Appellant did not file a pro se response.

We have independently reviewed the entire record in each 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, 826–27 (Tex. Crim. App. 2005) (same); *Mitchell*, 193 S.W.3d at 155 (reviewing court determines whether arguable grounds exist by reviewing entire record). We note that 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.

We affirm the judgment of the trial court and grant counsel's motion to withdraw.⁴ Attorney Adam Banks Brown must immediately send appellant the required notice and file a copy of the notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c).

PER CURIAM

Panel consists of Chief Justice Radack and Justices Kelly and Landau.

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

⁴ Appointed counsel still has a duty to inform appellant of the result of this appeal and that she may, on her own, pursue discretionary review in the Texas Court of Criminal Appeals. *See Ex Parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997).