

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-07-00819-CR

Willie Damone **FIELDS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2006-CR-9564
Honorable Maria Teresa Herr, Judge Presiding

Opinion by: Catherine Stone, Justice

Sitting: Alma L. López, Chief Justice
Catherine Stone, Justice
Santee Bryan Marion, Justice

Delivered and Filed: October 15, 2008

AFFIRMED

Willie Fields pleaded nolo contendere to the offense of possession of cocaine, and was placed on six years deferred adjudication probation for the offense. The State subsequently filed a motion to revoke Fields's probation and proceed to final adjudication, alleging Fields had violated the terms of his probation by failing to perform his community service hours and abide by his 10:00 p.m. to 6:00 a.m. curfew. After a hearing on the State's motion, the trial court adjudicated Fields guilty and sentenced him to six years imprisonment and fined him \$1,500. We affirm.

Fields's court-appointed attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel concludes that the appeal is frivolous and without merit. Counsel provided Fields with a copy of the brief and informed him of his right to review the record and file his own brief. See *Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Fields did not file a *pro se* brief.

After reviewing the record and counsel's brief, we agree that the appeal is frivolous and without merit. The judgment of the trial court is therefore affirmed. Furthermore, we grant appellate counsel's motion to withdraw. *Nichols v. State*, 954 S.W.2d at 86; *Bruns* 924 S.W.2d at 177 n.1. No substitute counsel will be appointed. Should Fields wish to seek further review of this case by the Texas Court of Criminal Appeals, Fields must either retain an attorney to file a petition for discretionary review or file a *pro se* petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this court, after which it will be forwarded to the Texas Court of Criminal Appeals. See TEX. R. APP. P. 68.3, 68.7. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 68.4.

Catherine Stone, Justice

Do Not Publish