



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00496-CR

Brandon Neil **COBBS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 355th District Court, Hood County, Texas
Trial Court No. CR11298
Honorable Ralph H. Walton Jr., Judge Presiding

Opinion by: Patricia O. Alvarez, Justice

Sitting: Karen Angelini, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: June 12, 2013

AFFIRMED

Appellant Brandon Neil Cobbs pled guilty to one count of burglary of a habitation, a second degree felony. On May 11, 2010, the trial court deferred adjudication and placed Cobbs on community supervision for a period of seven years, fined him \$1,500, assessed court costs, and imposed other conditions including abstaining from using controlled substances without a doctor's prescription. Thereafter, the State moved the trial court to proceed with an adjudication of guilt. On August 30, 2011, in response to Cobb's plea of guilty, the trial court sentenced Cobbs to ten years' confinement in the Institutional Division of the Texas Department of

Criminal Justice (TDCJ-ID), but suspended Cobbs's sentence, placed Cobbs on community supervision, and imposed certain conditions including abstaining from using controlled substances without a doctor's prescription. Thereafter, the State moved to revoke Cobbs's community supervision. Cobbs pled not true to the allegations in the State's motion, but the trial court found Cobbs had violated conditions of his community supervision including failure to abstain from unauthorized use of controlled substances. On June 12, 2013, the trial court revoked Cobbs's community supervision and sentenced him to ten years' confinement with TDCJ-ID, fined him \$783, and assessed \$1,323 as costs of court. The trial court appointed appellate counsel, and counsel timely filed a notice of appeal.

Appellant's court-appointed appellate attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967); counsel also filed a motion to withdraw. In Appellant's brief, counsel raises no arguable appellate issues and concludes this appeal is without merit. The brief meets the *Anders* requirements. *See id.* at 744; *see also High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). As required, counsel provided Appellant with a copy of the brief and counsel's motion to withdraw, and informed Appellant of his right to review the record and file his own *pro se* brief. *See Nichols v. State*, 954 S.W.2d 83, 85–86 (Tex. App.—San Antonio 1997, no pet.); *see also Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Appellant did not file a *pro se* brief.

After reviewing the record and counsel's brief, we agree with counsel that the appeal is wholly frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). Accordingly, we affirm the trial court's judgment, *see id.*, and grant appellate counsel's motion to withdraw, *see Nichols*, 954 S.W.2d at 85–86; *Bruns*, 924 S.W.2d at 177 n.1.

No substitute counsel will be appointed. Should Appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or he must file a *pro se* petition for discretionary review. Any petition for discretionary review must be filed within thirty days from (1) the date of this opinion or (2) the date the last timely motion for rehearing or en banc reconsideration is overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Texas Court of Criminal Appeals. *See id.* R. 68.3(a). Any petition for discretionary review must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.

Patricia O. Alvarez, Justice

DO NOT PUBLISH