



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

Nos. 04-18-00089-CR, 04-18-00090-CR, 04-18-00091-CR

Brandon Edward **COLEMAN**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 399th Judicial District Court, Bexar County, Texas
Trial Court Nos. 2017CR7012, 2017CR7013, 2017CR9600
Honorable Frank J. Castro, Judge Presiding

Opinion by: Patricia O. Alvarez, Justice

Sitting: Sandee Bryan Marion, Chief Justice
Patricia O. Alvarez, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: March 20, 2019

AFFIRMED

In three related causes, Appellant Brandon Edward Coleman was charged by indictments, tried by a jury, and convicted on three counts for drug offenses. He appeals his convictions.

Coleman was charged by indictment in Cause Number 2017CR7012 with two counts: Count I for possession of a controlled substance, an amount of more than one but less than four grams, namely cocaine, with an intent to deliver; Count II for possession of a controlled substance, an amount of more than one but less than four grams, namely cocaine.

Coleman was charged by indictment in Cause Number 2017CR7013 with two counts: Count I for possession of a controlled substance, an amount of more than four but less than 200 grams, namely methamphetamine, with an intent to deliver; Count II for possession of a controlled substance, an amount of more than four but less than 200 grams, namely methamphetamine.

Coleman was charged by indictment in Cause Number 2017CR9600 with one count: possession of a controlled substance, an amount of more than one but less than four grams, namely Delta-9-Tetrahydrocannabinol.

In each of the three indictments, the State alleged Coleman was a repeat offender and sought a repeat offender enhancement.

Coleman pled not guilty to all counts. The jury found Coleman guilty of possession of a controlled substance in the amounts alleged for cocaine and Delta-9-Tetrahydrocannabinol, and guilty of possession in the alleged amount of methamphetamine with intent to deliver. The court sentenced Coleman to confinement in the Texas Department of Criminal Justice—Institutional Division for fifteen years for each of the two possession counts and thirty-five years for the possession with intent to deliver count, with the three sentences to run concurrently.

Coleman timely filed pro se notices of appeal. The trial court appointed appellate counsel, and court-appointed counsel filed an *Anders* brief. Coleman did not file a pro se brief.

COURT-APPOINTED APPELLATE COUNSEL'S *ANDERS* BRIEF

Coleman's appellate counsel 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 the brief, counsel recites the relevant facts with citations to the record.

Counsel examined the indictments with respect to properly alleged offenses, trial court jurisdiction, and proper notice of intent to punishment enhancement allegations. Counsel examined the jury selection process including Coleman's four challenges to venire members.

Counsel also examined the search and seizure procedures, the jury charge, the verdict, the sufficiency of the evidence to support each count, and the possibility of ineffective assistance of trial counsel. Based on counsel's review, counsel determined that there are no arguable errors in the trial of these causes and Coleman's appeals are frivolous and without merit. *See Nichols v. State*, 954 S.W.2d 83, 85 (Tex. App.—San Antonio 1997, no pet.).

We conclude appellate counsel's brief meets the *Anders* requirements. *See Anders*, 386 U.S. at 744; *see also High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Counsel provided Coleman with a copy of the brief and counsel's motion to withdraw, and informed Coleman of his right to review the record and file a pro se brief. *See Nichols*, 954 S.W.2d at 85–86; *see also Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Counsel advised Coleman of his right to request a copy of the record and provided Coleman with a motion to request a copy of the record that lacked only the date and Coleman's signature. *See Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014).

On October 31, 2018, after the State filed its brief waiver, this court advised Coleman that if he wished to file a pro se brief, he must do so by November 30, 2018. Coleman did not request a copy of the appellate record or file a pro se brief.

CONCLUSION

Having reviewed the entire record and the *Anders* brief, we agree with Coleman's appellate counsel that there are no arguable grounds for appeal and the appeal is wholly frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

We affirm the trial court's judgments and we 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 Court of Criminal Appeals, he must file a petition for discretionary review either through a retained attorney or by representing himself. Any petition for discretionary review must be filed within thirty days from the date of either (1) this opinion or (2) the last timely motion for rehearing or motion for 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 Court of Criminal Appeals. *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. *Id.* R. 68.4.

Patricia O. Alvarez, Justice

DO NOT PUBLISH