

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-23-00097-CR**

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**MATTHEW GARZA, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 359th District Court  
Montgomery County, Texas  
Trial Cause No. 22-12-16397-CR**

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**MEMORANDUM OPINION**

Appellant Garza was convicted of possessing more than one gram but less than four grams of methamphetamine, a third-degree felony. Tex. Health & Safety Code Ann. § 481.115(c). Because Garza’s sentence was enhanced by two previous felony convictions, the trial court sentenced Garza to life imprisonment in the Institutional Division of the Texas Department of Criminal Justice.

Garza’s appellate counsel filed an *Anders* brief that presents counsel’s professional evaluation of the record and concludes the appeal is frivolous; he then filed a motion to withdraw as counsel. *See Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On August 23, 2023, we notified Appellant of his right to file a pro se brief and notified him of the deadline for doing so, but Appellant did not file a pro se brief. We have reviewed the appellate record, and we agree with counsel’s conclusion that no arguable issues support the appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court’s judgment.<sup>1</sup>

AFFIRMED.

JAY WRIGHT  
Justice

Submitted on December 28, 2023  
Opinion Delivered January 17, 2024  
Do Not Publish

Before Horton, Johnson and Wright, JJ.

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<sup>1</sup> Appellant may challenge our decision in this case by filing a petition for discretionary review. *See Tex. R. App. P. 68.*