



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-15-00209-CR

JAVON PETERSON

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM COUNTY CRIMINAL COURT NO. 5 OF DENTON COUNTY
TRIAL COURT NO. CR-2013-03810-E

MEMORANDUM OPINION¹

Appellant Javon Peterson appeals her conviction for driving while intoxicated (DWI).² We affirm.

The State charged appellant with committing DWI. At trial, she pled not guilty. After receiving the parties' evidence and arguments, a jury found her

¹See Tex. R. App. P. 47.4.

²See Tex. Penal Code Ann. § 49.04(a) (West Supp. 2016).

guilty. Appellant chose the trial court to decide her punishment. The trial court assessed thirty days' confinement but suspended imposition of that sentence and placed appellant on community supervision, with several conditions, for twelve months. Appellant brought this appeal, and the trial court appointed counsel to represent her.

Appellant's appointed appellate counsel has filed a motion to withdraw and a brief under *Anders v. California*, representing that there are "no non-frivolous issues" that could support the appeal. 386 U.S. 738, 744–45, 87 S. Ct. 1396, 1400 (1967). Counsel's brief and motion meet the requirements of *Anders* by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds for relief. See *id.*; *In re Schulman*, 252 S.W.3d 403, 406–12 (Tex. Crim. App. 2008) (orig. proceeding) (analyzing the effect of *Anders*). We gave appellant an opportunity to file a pro se response to counsel's brief, and she did so. The State has not filed a brief.

Once an appellant's court-appointed attorney files a motion to withdraw on the ground that an appeal is frivolous and fulfills the requirements of *Anders*, we must independently examine the record. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). Only then may we grant counsel's motion to withdraw. See *Penson v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

We have carefully reviewed the record, counsel's brief, and appellant's pro se response. We agree with counsel that this appeal is frivolous and without merit; we find nothing in the record that might arguably support the appeal. See

Bledsoe v. State, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005); *see also* *Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006). Accordingly, we grant counsel’s motion to withdraw and affirm the trial court’s judgment.

/s/ Terrie Livingston

TERRIE LIVINGSTON
CHIEF JUSTICE

PANEL: LIVINGSTON, C.J.; GABRIEL and SUDDERTH, JJ.

DO NOT PUBLISH
Tex. R. App. P. 47.2(b)

DELIVERED: August 26, 2016