



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

NO. 02-16-00270-CR

LEVI BLUE HILL

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 355TH DISTRICT COURT OF HOOD COUNTY
TRIAL COURT NO. CR13054

MEMORANDUM OPINION¹

Appellant Levi Blue Hill appeals his conviction for sexual assault of a child.² We affirm.

¹See Tex. R. App. P. 47.4.

²See Tex. Penal Code Ann. § 22.011(a)(2) (West 2011).

A grand jury indicted appellant for sexual assault of a child. Through a plea bargain agreement, appellant pled guilty, and the trial court deferred its adjudication of his guilt and placed him on community supervision for eight years.

A couple of months later, the State filed a motion for the trial court to adjudicate appellant's guilt. The State alleged that he had violated terms of his community supervision by using marijuana, oxycodone, and hydrocodone. Appellant pled true to this allegation but asked the court to continue his community supervision. The trial court continued the community supervision.

Months later, the State filed another motion for the trial court to adjudicate appellant's guilt. The State alleged that appellant had again used marijuana and had failed to pay certain costs and fees. Appellant again pled true to the State's allegations. The trial court revoked appellant's community supervision, adjudicated his guilt, and sentenced him to fifteen years' confinement. Appellant brought this appeal.

Appellant's appointed appellate counsel has filed a motion to withdraw and a brief under *Anders v. California*, representing that there is nothing in the record that might arguably support this 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, but he did not do 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 and counsel's brief. 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.; MEIER and GABRIEL, JJ.

DO NOT PUBLISH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

DELIVERED: May 4, 2017