



**In the
Court of Appeals
Second Appellate District of Texas
at Fort Worth**

No. 02-19-00282-CR

STANLEY CLEOPHUS GULIFORD, Appellant

V.

THE STATE OF TEXAS

On Appeal from the 396th District Court
Tarrant County, Texas
Trial Court No. 1508084D

Before Bassel, Womack, and Wallach, JJ.
Per Curiam Memorandum Opinion

MEMORANDUM OPINION

Appellant Stanley Cleophus Guliford appeals from the trial court's judgment revoking his community supervision and sentencing him to four years' confinement. After reviewing Appellant's court-appointed counsel's *Anders* brief and conducting an independent review of the record, we affirm.

Under the terms of a plea bargain, Appellant pleaded guilty to the offense of possession of 4 grams or more but less than 200 grams of tetrahydrocannabinol (THC). *See* Tex. Health & Safety Code Ann. § 481.115(d). Pursuant to the terms of the plea bargain, the trial court found Appellant guilty, sentenced him to four years' confinement, suspended the sentence, and placed him on community supervision for two years. The trial court also imposed a nonsuspended \$200 fine in its August 30, 2017 judgment.

During the period of Appellant's community supervision, the State filed a petition to revoke. The State alleged that Appellant had violated six conditions of his community supervision: (1) he possessed under 1 gram of a controlled substance in Penalty Group 1 on or about September 11, 2018, in Dallas County; (2) he failed to report to the Dallas County Community Supervision and Corrections Department for the months of September and October 2018; (3) he failed to notify the Department of his address change on or about September 2018; (4) he failed to pay supervision fees for September through December 2018 and January through April 2019; (5) he failed to report via mail to the Tarrant County Community Supervision and Corrections

Department on or about September 2018; and (6) he failed to report for November 2018 through April 2019.

Pursuant to Appellant’s written admonishments, he judicially confessed to “¶ 7 only.” There is no paragraph seven in the State’s petition to revoke; the discrepancy was cleared up at the revocation hearing when Appellant pleaded true to paragraph six—the failure to report for November 2018 through April 2019. The trial court found this paragraph to be true, revoked Appellant’s community supervision, and sentenced him to four years’ confinement.

Appellant’s court-appointed appellate counsel has filed a motion to withdraw as counsel and a brief in support of that motion. Counsel’s brief and motion meet the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. *See* 386 U.S. 738, 744, 87 S. Ct. 1396, 1400 (1967). In compliance with *Kelly v. State*, counsel notified Appellant of the motion to withdraw, provided him a copy of the brief, informed him of his right to file a pro se response, informed him of his pro se right to seek discretionary review should this court hold that the appeal is frivolous, and took concrete measures to facilitate Appellant’s review of the appellate record. 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). Appellant had the opportunity to file a pro se

response to the *Anders* brief but did not do so within the time allotted.¹ The State filed a letter responding to counsel's *Anders* brief and stated that it agrees with counsel's assessment that this appeal is frivolous.

As the reviewing court, we must conduct an independent evaluation of the record to determine whether counsel is correct in determining that the appeal is frivolous. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays v. State*, 904 S.W.2d 920, 923 (Tex. App.—Fort Worth 1995, no pet.). 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 wholly frivolous and without merit; we find nothing in the record that arguably might support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005). Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

Per Curiam

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Tex. R. App. P. 47.2(b)

Delivered: May 7, 2020

¹Appellant's response was due January 14, 2020. We received a letter from him on May 4, 2020, arguing that he should have been sentenced to two years' confinement instead of four years. This is contrary to his plea.