

NO. 07-11-0092-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
SEPTEMBER 27, 2011

BERNICE DAVALOS RIOS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;
NO. 61,480-E; HONORABLE DOUGLAS WOODBURN, PRESIDING

Memorandum Opinion

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Bernice Davalos Rios was convicted after a jury trial of theft of clothing in an amount of less than \$1,500 with two prior convictions for theft and sentenced by the court to eighteen months in jail and a fine of \$1,000. Appellant's appointed counsel has filed a motion to withdraw, together with an *Anders*¹ brief, wherein he certified that he has diligently searched the record and concluded that the appeal is without merit. Along with his brief, counsel attached a copy of a letter sent to appellant informing her of

¹*Anders v. California*, 386 U.S. 738, 744-45, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

counsel's belief that there was no reversible error and of appellant's right to file a brief or response *pro se*. By letter dated August 4, 2011, this court also informed appellant of her right to tender her own response and set September 6, 2011, as the deadline to do so. To date, we have received neither a response nor a request for extension of time to file a response.

In compliance with *Anders*, appellate counsel has discussed three potential areas for appeal. They include 1) the sufficiency of the evidence, 2) whether the length of punishment was excessive, and 3) the effectiveness of trial counsel. However, he has explained why none of those arguments have merit. We have also conducted our own review of the record to assess the accuracy of appellate counsel's conclusions and to discover any reversible error pursuant to *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991). Our own review has failed to demonstrate reversible error.

Accordingly, the motion to withdraw is granted, and the judgment is affirmed.

Brian Quinn
Chief Justice

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