

NO. 07-11-00281-CR  
IN THE COURT OF APPEALS  
FOR THE SEVENTH DISTRICT OF TEXAS  
AT AMARILLO  
PANEL B  
FEBRUARY 13, 2012

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AKEAM MARSAY NICHOLS, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

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FROM THE 320TH DISTRICT COURT OF POTTER COUNTY;

NO. 61,691-D; HONORABLE DON R. EMERSON, JUDGE

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

### **MEMORANDUM OPINION**

Appellant, Akeam Marsay Nichols, entered a plea of guilty to the offense of unlawful possession of a firearm by a felon<sup>1</sup> and sentenced to ten years in the Institutional Division of the Texas Department of Criminal Justice. However, the imposition of the term of confinement was suspended and appellant was placed on community supervision for a period of ten years. Subsequently, the State filed a motion and an amended motion to revoke appellant's community supervision. Appellant entered an open plea of "True" to the amended motion to revoke his community

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<sup>1</sup> See TEX. PENAL CODE ANN. § 46.04(a)(1) (West 2011).

supervision. After finding the allegations contained in the amended motion to revoke were true, the trial court heard evidence on the issue of the proper sentence. The trial court then sentenced appellant to serve the original term of ten years confinement in the ID-TDCJ. Appellant perfected his appeal. We affirm.

Appellant's attorney has filed an Anders brief and a motion to withdraw. Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed. 2d 498 (1967). In support of his motion to withdraw, counsel certifies that he has diligently reviewed the record, and in his opinion, the record reflects no reversible error upon which an appeal can be predicated. Id. at 744-45. In compliance with High v. State, 573 S.W.2d 807, 813 (Tex.Crim.App. 1978), counsel has candidly discussed why, under the controlling authorities, there is no error in the trial court's judgment. Additionally, counsel has certified that he has provided appellant a copy of the Anders brief and motion to withdraw and appropriately advised appellant of his right to file a *pro se* response in this matter. Stafford v. State, 813 S.W.2d 503, 510 (Tex.Crim.App. 1991). The Court has also advised appellant of his right to file a *pro se* response. Appellant has not filed a response.

By his Anders brief, counsel raises grounds that could possibly support an appeal, but concludes the appeal is frivolous. We have reviewed these grounds and made an independent review of the entire record to determine whether there are any arguable grounds which might support an appeal. See Penson v. Ohio, 488 U.S. 75, 109 S.Ct. 346, 102 L.Ed.2d 300 (1988); Bledsoe v. State, 178 S.W.3d 824

(Tex.Crim.App. 2005). We have found no such arguable grounds and agree with counsel that the appeal is frivolous.

Accordingly, counsel's motion to withdraw is hereby granted and the trial court's judgment is affirmed.<sup>2</sup>

Mackey K. Hancock  
Justice

Do not publish.

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<sup>2</sup>Counsel shall, within five days after this opinion is handed down, send his client a copy of the opinion and judgment, along with notification of appellant's right to file a *pro se* petition for discretionary review. See TEX. R. APP. P. 48.4.