

NO. 07-12-00061-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
AUGUST 29, 2012

BYRON WADE COOK, APPELLANT

v.

THE STATE OF TEXAS, APPELLEE

FROM THE 64TH DISTRICT COURT OF HALE COUNTY;
NO. A18923-1109; HONORABLE ROBERT W. KINKAID JR., JUDGE

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

MEMORANDUM OPINION

Appellant, Byron Wade Cook, pleaded guilty to possession of a controlled substance, methadone, in an amount of less than one gram.¹ Appellant opted to have punishment set by a jury, and the jury, after hearing the evidence, sentenced appellant to two years confinement in a State Jail Facility and assessed a fine of \$2,000. Appellant has appealed. We will 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

¹ See TEX. HEALTH & SAFETY CODE ANN. § 481.115(a), (b) (West 2010).

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 filed a response.

By his Anders brief, counsel reviewed all 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.

Appellant contends in his response that he received ineffective assistance of counsel. We have reviewed the totality of the record and find that any issue contending that appellant received ineffective assistance of counsel is not supported by the record, and it is frivolous. See Salinas v. State, 163 S.W.3d 734, 740 (Tex.Crim.App. 2005).

Accordingly, counsel=s motion to withdraw is hereby granted, and the trial court=s judgment is affirmed.²

Mackey K. Hancock
Justice

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² 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.