

NO. 07-12-0087-CR
NO. 07-12-0088-CR

IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL D

DECEMBER 11, 2012

FERNANDO ROBLES DUARTE,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 31ST DISTRICT COURT OF HEMPHILL COUNTY;
NOS. 2850 & 2851; HONORABLE STEVEN RAY EMMERT, PRESIDING

Memorandum Opinion

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

Appellant Fernando Robles Duarte appeals his convictions of fraudulent use or possession of identifying information and tampering with government records and his sentence of two years in state jail and a fine of \$2,000 in each case. After pleading guilty to the offenses, appellant was placed on deferred adjudication for three years pursuant to a plea bargain. Three months later, the State sought to have appellant adjudicated guilty. After a hearing, the trial court adjudicated appellant's guilt.

Appellant's appointed counsel filed a motion to withdraw, together with an *Anders*¹ brief, wherein he certified that, after diligently searching the record, he concluded that the appeals were without merit. Along with his brief, appellate counsel included a copy of a letter sent to appellant informing him of counsel's belief that there was no reversible error and of appellant's right to file a response *pro se*. By letter dated May 21, 2012, this court also notified appellant of his right to file his own brief or response by June 20, 2012, if he wished to do so. To date, no response has been filed.

In compliance with the principles enunciated in *Anders*, appellate counsel discussed potential areas for appeal which included 1) the sufficiency of the evidence, 2) objections to the admission of hearsay evidence, 3) error in the assessment of punishment, and 4) the effectiveness of counsel. However, he has offered an explanation as to why each issue is without merit.

In addition, we conducted our own review of the record to assess the accuracy of appellate counsel's conclusions and to uncover any arguable error pursuant to *Stafford v. State*, 813 S.W.2d 508 (Tex. Crim. App. 1991). After doing so, we concur with counsel's conclusions.

Accordingly, counsel's motion to withdraw is granted, and the judgments are affirmed.²

Per Curiam

Do not publish.

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

²Appellant has a right to file a petition for discretionary review with the Court of Criminal Appeals.