In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-13-00206-CR

GARY WAYNE FINLEY, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 100th District Court
Carson County, Texas
Trial Court No. 4384, Honorable Stuart Messer, Presiding

April 24, 2014

MEMORANDUM OPINION

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

Appellant, Gary Wayne Finley, was charged by complaint and information[1] with the offense of possession of marijuana, in an amount of less than 50 pounds and more than five pounds.[2] Pursuant to a plea bargain with the State, appellant entered a plea of guilty to the charged offense. Appellant was placed on deferred adjudication community supervision for a period of three years. The State subsequently filed a

[1] The record reflects that appellant waived the requirement of a grand jury indictment.

[2] *See* TEX. HEALTH & SAFETY CODE ANN. § 481.121(a), (b)(4) (West 2010)

motion to adjudicate appellant's offense. At the hearing on the State's motion to adjudicate, appellant entered pleas of true to the allegations. The court, after hearing evidence regarding punishment, sentenced appellant to serve eight years' confinement in the Institutional Division of the Texas Department of Criminal Justice. Appellant gave notice of appeal. 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 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 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.

Accordingly, counsel's motion to withdraw is hereby granted, and the trial court's judgment is affirmed.[3]

Mackey K. Hancock
Justice

Do not publish.

[3] 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.