



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

---

No. 07-14-00012-CR

---

**CORNELIUS MERCULIUS MCCASTER, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

On Appeal from the 242nd District Court  
Hale County, Texas  
Trial Court No. A19545-1310, Honorable Edward Lee Self, Presiding

---

August 27, 2014

**MEMORANDUM OPINION**

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

Following his plea of guilty before a jury, appellant Cornelius Mercurius McCaster was convicted of the state jail felony offense of burglary of a building and sentenced by the jury to a term of two years in a state jail facility, a fine of \$2250 and restitution of

\$83. His court-appointed appellate counsel has filed a motion to withdraw supported by an *Anders*<sup>1</sup> brief. We will grant counsel's motion to withdraw and affirm the judgment.

Appellant was charged by indictment.<sup>2</sup> After the trial court accepted his guilty plea based on his responses to the court's admonitions,<sup>3</sup> a punishment hearing was held before the jury. Evidence presented showed that in January 2013, appellant entered a Plainview, Texas convenience store, walked behind the counter and took \$83 in cash. It also showed appellant had two previous final state jail felony convictions, one for possession of a controlled substance, and the other for evading arrest or detention with a vehicle.

Appellant's counsel on appeal expresses his opinion in the *Anders* brief that nothing in the record establishes reversible error and the appeal is frivolous. The brief discusses the guilty plea, the admonitions given, the evidence presented at the punishment hearing and the propriety of the sentence in light of appellant's previous felony convictions. Counsel concludes no error occurred during the guilty plea or during the punishment hearing. Correspondence from counsel to appellant indicates counsel supplied appellant a copy of the *Anders* brief and counsel's motion to withdraw. The correspondence also points out the right of appellant to review the record and file a *pro se* response and his right to file a *pro se* petition for discretionary review in the Court of

---

<sup>1</sup> *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); see *Kelly v. State*, No. PD-0702-13, 2014 Tex. Crim. App. LEXIS 911 (June 25, 2014); *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008) (orig. proceeding).

<sup>2</sup> TEX. PENAL CODE ANN. § 30.02 (West 2011).

<sup>3</sup> Documents signed by appellant, including documents entitled "Stipulation of Evidence," "Waiver of Jury Trial" as to guilt/innocence and "Admonition of Rights" were entered into evidence. The trial court also administered the requisite admonishments and assured "the plea of guilty is freely, voluntarily, knowingly and intelligently made."

Criminal Appeals should he receive an adverse decision by this court. By letter, this court also notified appellant of his opportunity to submit a response to the *Anders* brief and motion to withdraw filed by his counsel. Appellant did not file a response.

In conformity with the standards set out by the United States Supreme Court, we will not rule on the motion to withdraw until we have independently examined the record. *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.). If this court determines the appeal arguably has merit, we will remand it to the trial court for appointment of new counsel. *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

We have reviewed the entire record to determine whether there are any arguable grounds which might support an appeal. See *Person 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 supporting a claim of reversible error, and agree with counsel that the appeal is frivolous.

The motion of counsel to withdraw is granted and the judgment of the trial court is affirmed.<sup>4</sup> TEX. R. APP. P. 43.2(b).

James T. Campbell  
Justice

Do not publish.

---

<sup>4</sup> Counsel shall, within five days after the opinion is handed down, send his client a copy of the opinion and judgment, along with notification of the defendant's right to file a *pro se* petition for discretionary review. TEX. R. APP. P. 48.4.