

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

No. 07-14-00237-CR

## LITTLE JOE CORDERO, APPELLANT

V.

#### THE STATE OF TEXAS, APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court No. 66,970-E, Honorable Douglas Woodburn, Presiding

### April 14, 2015

#### MEMORANDUM OPINION

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

Appellant, Little Joe Cordero, was indicted for the offense of possession of a controlled substance, methamphetamine,<sup>1</sup> enhanced by two prior felony convictions.<sup>2</sup> Appellant entered a plea of guilty to the indicted offense and a plea of true to the enhancement paragraphs without the benefit of any plea bargain. After hearing the evidence on the question of punishment, the trial court assessed appellant's

<sup>&</sup>lt;sup>1</sup> See Tex. Health & Safety Code Ann. § 481.115(a), (c) (West 2010).

 $<sup>^{2}</sup>$  See Tex. Penal Code Ann.  $\S$  12.42(d) (West Supp. 2014).

punishment at 35 years' incarceration in the Institutional Division of the Texas Department of Criminal Justice. Appellant has appealed and 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. Additionally, appellant's counsel has certified that he has provided appellant with a copy of the record to use in preparation of a *pro se* response. *See Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014). Appellant has filed a *pro se* 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.<sup>3</sup>

We have reviewed the *pro* se response filed by appellant. Our review of this response, leads to the conclusion that it does not present an arguable ground for appeal. Specifically, we can find no support in the record before us that would support the contentions set forth by appellant. See Tex. R. App. P. 34.1; See Katman v. State, 923 S.W.2d 129, 132 (Tex. App.-Houston [1<sup>st</sup> Dist.] 1996, no pet.).

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

Mackey K. Hancock Justice

Do not publish.

<sup>&</sup>lt;sup>3</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.