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

No. 07-15-00288-CR

SERGIO MUSQUIZ, JR., APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 242nd District Court
Hale County, Texas
Trial Court No. B18299-1002, Honorable Kregg Hukill, Presiding

January 26, 2016

## MEMORANDUM OPINION

Before CAMPBELL and HANCOCK and PIRTLE, JJ.

Appellant, Sergio Musquiz, Jr., entered a plea of guilty to the offense of taking prohibited substances or items into a correctional facility.[1] Pursuant to the guilty plea, appellant was sentenced to confinement for five years with the term of confinement being suspended and appellant being placed on community supervision for five years. Subsequently, the State filed a motion to revoke appellant's community supervision. Appellant's community supervision was then continued and extended for five years.

[1] *See* TEX. PENAL CODE ANN. § 38.11 (West 2011).

Thereafter, the State filed a second motion to revoke appellant's community supervision. On this occasion, the trial court revoked appellant's community supervision and sentenced appellant to serve five years in the Institutional Division of the Texas Department of Criminal Justice. Appellant perfected his appeal 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. *See 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 not filed a 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.[2]

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

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.