



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

No. 07-15-00326-CR

BOBBY DEAN BASS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 181st District Court
Randall County, Texas
Trial Court No. 24,509-B, Honorable John B. Board, Presiding

April 6, 2016

MEMORANDUM OPINION

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

Appellant Bobby Dean Bass filed notice of appeal from his conviction, on an open plea of guilty, of the offense of driving while intoxicated, third or more,¹ and the trial court's imposition of punishment of eight years of imprisonment. In presenting this appeal, counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 744-45, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) in support of his motion to withdraw. We will grant counsel's motion and affirm the judgment of the trial court.

¹ TEX. PENAL CODE ANN. § 49.09 (West 2014).

In support of his motion to withdraw, counsel certifies he has conducted a conscientious examination of the record and, in his opinion, the record reflects no potentially plausible basis to support an appeal. *Anders*, 386 U.S. at 744-45; *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008). Counsel discusses why, under the controlling authorities, the appeal is frivolous. *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978). Counsel has demonstrated that he has provided to appellant a copy of the brief, the motion to withdraw, and the clerk's and reporter's records, and has notified him of his right to file a *pro se* response to the brief. He also notified appellant of his right to file a petition for discretionary review if we affirm the trial court's judgment. *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d at 408. By letter, we granted appellant an opportunity to exercise his right to file a response to counsel's brief. Appellant did not file a response.

At trial, appellant pled guilty to the indicted charge, pled "true" to the enhancement provisions in the indictment, was properly admonished by the trial court, and signed plea documents that included a judicial confession. The State presented evidence of appellant's prior convictions, including those set forth in the enhancement paragraphs of the indictment. The State also introduced photographs of appellant's 2009 accident, the cause of which involved alcohol. And, the State presented the testimony of law enforcement officials who described for the court appellant's behavior during prior stops and arrests.

Appellant testified to his personal and medical history and told the court he was in treatment for his alcohol use and had been sober for six months at the time of his

open plea of guilty. Appellant also presented witnesses who testified to appellant's attempts to overcome his alcohol addiction.

In the *Anders* brief, counsel demonstrates a diligent review of the proceedings, sentencing and trial counsel's representation. He cites to appropriate authority. He then certifies there are no arguably meritorious issues for appeal. See *In re Schulman*, 252 S.W.3d at 409.

Our review convinces us appellate counsel conducted a complete review of the record and properly considered the governing law. We have also made an independent examination of the entire record to determine whether there are any arguable grounds which might support the appeal. See *Penson v. Ohio*, 488 U.S. 75, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We agree with counsel there are no arguably meritorious grounds for review. See *Bledsoe v. State*, 178 S.W.3d 824 (Tex. Crim. App. 2005). Accordingly, counsel's motion to withdraw is granted,² and the trial court's judgment is affirmed.

James T. Campbell
Justice

Do not publish.

² 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.