



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

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No. 07-15-00346-CR

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**JOSHUA THOMAS COTTER, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 181st District Court  
Potter County, Texas  
Trial Court No. 60,379-B, Honorable John B. Board, Presiding

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**March 28, 2016**

**MEMORANDUM OPINION**

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

Joshua Thomas Cotter, appellant, appeals from an order revoking his probation and sentencing him to five years in prison for possession of child pornography. After a jury found him guilty of the charged offense, he was assessed punishment at five years in prison. However, the sentence was suspended and appellant was placed on five years' probation. Subsequently, the State filed a motion to adjudicate his guilt and a hearing was held wherein appellant pled true to the allegations. The trial court recessed

the hearing so that a pre-sentence investigation could be performed. The hearing was reconvened and the trial court heard additional evidence and entertained arguments from counsel. Afterwards, the trial court found appellant had violated his probation and sentenced him to five years in prison. Appellant then timely perfected his appeal and was assigned appointed counsel.

Appointed counsel has filed a motion to withdraw and an *Anders*<sup>1</sup> brief. Through those documents, he certified that, after diligently searching the record, the appeal was without merit. Accompanying the brief and motion is a copy of a letter sent by counsel to appellant informing the latter of counsel's belief that there was no reversible error and of appellant's right to file a response, *pro se*. Furthermore, counsel represented that a copy of the appellate record had been provided to appellant. By letter dated February 10, 2016, this court also notified appellant of his right to file his own brief or response by March 21, 2016, if he wished to do so. Appellant filed a response wherein he raised issues regarding discussion of polygraph exams by the court and the State, and in the PSI, claimed a 5<sup>th</sup> amendment violation, questioned the sufficiency of the evidence to support the probation revocation, and claimed prosecutorial misconduct.

In compliance with the principles enunciated in *Anders*, appellate counsel discussed one potential area for appeal, which was prosecutorial misconduct. However, he then explained why the issue lacked merit.

In addition, we conducted our own review of the record and appellant's response to assess the accuracy of counsel's conclusions and to uncover arguable error pursuant

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<sup>1</sup> See *Anders v. California*, 386 U.S. 738, 744-45, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

to *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008) and *Stafford v. State*, 813 S.W.2d 508 (Tex. Crim. App. 1991). No such error was uncovered. Appellant pled “true” to the allegations contained in the motion to revoke. That plea alone sufficed to support the revocation. *Tapia v. State*, 462 S.W.3d 29, 31 n.2 (Tex. Crim. App. 2015).

Accordingly, the motion to withdraw is granted, and the judgment is affirmed.<sup>2</sup>

Brian Quinn  
Chief Justice

Do not publish.

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<sup>2</sup> Appellant has the right to file a petition for discretionary review with the Court of Criminal Appeals.