



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

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No. 07-16-00442-CR

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**ANTHONY DEWAYNE BUCK, APPELLANT**

**V.**

**STATE OF TEXAS, APPELLEE**

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On Appeal from the 69th District Court  
Hartley County, Texas  
Trial Court No. 1284H, Honorable Ron Enns, Presiding

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September 11, 2017

**MEMORANDUM OPINION**

Before **CAMPBELL** and **PIRTLE** and **PARKER, JJ.**

Following a plea of guilty to the bench, appellant Anthony Dewayne Buck was convicted of the second degree felony offense of burglary of a habitation.<sup>1</sup> The State did not provide a recommendation as to punishment, but appellant and the State entered into an agreed sentencing stipulation that placed a limit on appellant's imprisonment at ten years. The trial court sentenced appellant to ten years of

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<sup>1</sup> TEX. PENAL CODE ANN. § 30.02 (West 2016).

confinement in the Texas Department of Criminal Justice.<sup>2</sup> In presenting this appeal, counsel has filed an *Anders*<sup>3</sup> brief in support of his motion to withdraw. We affirm and grant counsel's motion to withdraw.

Appellant was indicted for burglary of a habitation. Counsel's brief states he can see no arguably meritorious issue arising from the trial court's admonishments at the plea hearing, or from appellant's plea of guilty. He finds nothing to suggest appellant's plea was involuntary. At the plea hearing, appellant acknowledged he signed a judicial confession admitting he committed the offense of burglary of a habitation. The State presented the testimony of the owner of the home appellant burglarized and the officer who responded to that burglary.

In support of his motion to withdraw, appellant's appellate counsel has certified he has conducted a conscientious examination of the record, and in his opinion, it reflects no potentially plausible basis for reversal of appellant's conviction. *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 record supports that conclusion. *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978). Counsel has further demonstrated he has complied with the requirements of *Anders* and *In re Schulman* by (1) providing a copy of the brief to appellant, (2) notifying him of his right to review the record and providing him with a motion to access the record, and (3) informing him he

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<sup>2</sup> The State also introduced, as punishment evidence, evidence related to a motor vehicle collision that occurred a few weeks before appellant's burglary of the habitation, and for which appellant had been indicted for the offense of manslaughter. See TEX. PENAL CODE ANN. § 19.04 (West 2016). The trooper who responded to the collision also testified at the hearing.

<sup>3</sup> *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

may file a *pro se* response if he desired to do so. *In re Schulman*, 252 S.W.3d at 408; see *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014) (specifying appointed counsel's obligations on filing a motion to withdraw supported by an *Anders* brief). By letter, this Court granted appellant an opportunity to exercise his right to file a response to counsel's brief. Appellant did not file a response. Nor did appellant file the motion his counsel provided him requesting a copy of the appellate record.

We have conducted our own review of the entire record to assess the accuracy of counsel's conclusions and to independently determine whether there are any non-frivolous issues that were preserved in the trial court which might support the appeal. *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); *In re Schulman*, 252 S.W.3d at 409; *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We have found no such issues.

After carefully reviewing the appellate record and counsel's brief, we conclude there are no plausible grounds for appellate review. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We therefore affirm the trial court's judgment and grant counsel's motion to withdraw.<sup>4</sup> TEX. R. APP. P. 43.2(a).

James T. Campbell  
Justice

Do not publish.

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<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 with the Court of Criminal Appeals. TEX. R. APP. P. 48.4.