



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

No. 07-21-00127-CR

BRENTON ARTHUR CAMPBELL, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 100th District Court
Donley County, Texas
Trial Court No. 4135, Honorable Stuart Messer, Presiding

March 31, 2022

MEMORANDUM OPINION

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

Appellant, Brenton Arthur Campbell, was charged with aggravated assault with a deadly weapon, a second-degree felony.¹ The offense was enhanced to a first-degree felony because of appellant's prior conviction for assault on a public servant.² Appellant pleaded guilty to the charge on March 4, 2021. The trial court deferred adjudication and placed appellant on community supervision for a term of ten years. The trial court also ordered appellant to pay a \$10,000 fine, complete 400 community service hours, and

¹ See TEX. PENAL CODE ANN. § 22.02(a), (b).

² See TEX. PENAL CODE ANN. § 12.42(b).

have no contact with the victim of his assault. Appellant signed an agreed protective order that prohibited contact with the victim.

On March 17, 2021, the State filed a motion to proceed to adjudication of guilt alleging that appellant had committed five violations of the conditions of his community supervision. Appellant filed a motion to withdraw his guilty plea and a motion to disqualify the district attorney.

All three motions were heard by the trial court on April 23, 2021. The trial court denied appellant's motions to withdraw his guilty plea and disqualify the district attorney. Appellant entered a plea of "true" to three of the State's allegations in its motion to adjudicate, specifically, committing a new offense by violating the protective order, going within 200 feet of the victim, and making direct contact with the victim. The trial court found appellant had violated the conditions of his community supervision as alleged in the State's motion and adjudicated his guilt. The trial court then sentenced appellant to fifty-five years' confinement in the Texas Department of Criminal Justice. Appellant brought this appeal.

Appellant's counsel on appeal has filed a motion to withdraw supported by an *Anders*³ brief. We grant counsel's motion and affirm the judgment of the trial court. Counsel has certified that she has conducted a conscientious examination of the record and, in her opinion, the record reflects no reversible error upon which an appeal can be predicated. *Anders*, 386 U.S. at 744; *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008). In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978), counsel has discussed why, under the controlling authorities, the

³ See *Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

record presents no reversible error. In a letter to appellant, counsel notified him of her motion to withdraw; provided him with a copy of the motion, *Anders* brief, and appellate record; and informed him of his right to file a pro se response. See *Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014) (specifying appointed counsel's obligations on the filing of a motion to withdraw supported by an *Anders* brief). By letter, this Court also advised appellant of his right to file a pro se response to counsel's *Anders* brief. Appellant has not filed a response. The State has not filed a brief.

By her *Anders* brief, counsel discusses areas in the record where reversible error may have occurred but concludes that the appeal is frivolous. We have independently examined the record to determine whether there are any non-frivolous issues that were preserved in the trial court which might support an appeal but, like counsel, we have found no such issues. See *Person 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; *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Following our review of the appellate record and counsel's brief, we conclude there are no plausible grounds for appellate review.

Therefore, we grant counsel's motion to withdraw.⁴ The judgment of the trial court is affirmed.

Judy C. Parker
Justice

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⁴ Counsel shall, within five days after the opinion is handed down, send appellant 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. This duty is an informational one, not a representational one. It is ministerial in nature, does not involve legal advice, and exists after the court of appeals has granted counsel's motion to withdraw. *In re Schulman*, 252 S.W.3d at 411 n.33.