



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-09-00236-CR

SUE BETH JOHNSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 3rd Judicial District Court
Anderson County, Texas
Trial Court No. 28949

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Sue Beth Johnson appeals from the revocation of her community supervision for the underlying offense of possession of a controlled substance (cocaine).¹ TEX. HEALTH & SAFETY CODE ANN. § 481.115(b) (Vernon 2010). She was represented by different appointed counsel at trial and on appeal.

Johnson's attorney on appeal has filed a brief which discusses the record and reviews the proceedings in detail. Counsel has thus provided a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. This meets the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1981); and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978).

Counsel mailed a copy of the brief to Johnson on March 17, 2010, informing Johnson of her right to file a pro se response and of her right to review the record. Counsel has also filed a motion with this Court seeking to withdraw as counsel in this appeal. Johnson has neither filed a pro se response, nor has she requested an extension of time in which to file such response.

We have determined that this appeal is wholly frivolous. We have independently reviewed the clerk's record and the reporter's record, and we agree that no arguable issues support an appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

¹Originally appealed to the Twelfth Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (Vernon 2005).

In a frivolous appeal situation, we are to determine whether the appeal is without merit and is frivolous, and if so, the appeal must be dismissed or affirmed. *See Anders*, 386 U.S. 738.

We affirm the judgment of the trial court.²

Bailey C. Moseley
Justice

Date Submitted: July 27, 2010

Date Decided: July 28, 2010

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²Since we agree this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of Johnson in this case. No substitute counsel will be appointed. Should Johnson wish to seek further review of this case by the Texas Court of Criminal Appeals, Johnson must either retain an attorney to file a petition for discretionary review or Johnson must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this Court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this Court, after which it will be forwarded to the Texas Court of Criminal Appeals along with the rest of the filings in this case. *See* TEX. R. APP. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4.