



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

No. 06-17-00028-CR

ROBERT LEE OLIVER, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 188th District Court
Gregg County, Texas
Trial Court No. 45874-A

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

MEMORANDUM OPINION

Robert Lee Oliver, Jr., entered an open plea of guilty to possession of cocaine in an amount of four grams or more, but less than 200 grams, with intent to deliver. The trial court sentenced Oliver to five years' imprisonment. Oliver appeals.

Oliver's attorney has filed a brief which states that he has reviewed the record and found no genuinely arguable issues that could be raised on appeal. The brief sets out the procedural history of the case and summarizes the evidence elicited during the course of the trial proceedings. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable appellate grounds to be advanced. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

On July 24, 2017, counsel mailed to Oliver copies of counsel's brief, a motion for pro se access to the appellate record lacking only Oliver's signature, and counsel's motion to withdraw. Oliver was informed of his right to obtain and review the record and file a pro se response. By letter dated July 24, 2017, this Court informed Oliver that his "Pro se signed Motion for Access to the Record [was] due on or before August 23, 2017," and that any pro se brief would be due thirty days after receipt of the motion for pro se access to the appellate record. After the August 23 deadline had passed, this Court further informed Oliver on September 5, 2017, that we had received no motion for pro se access to the appellate record and that any pro se response would be due on

or before October 5, 2017. On October 19, this Court mailed another letter to Oliver advising him that the case would be submitted to the Court on November 9, 2017. Oliver did not file a pro se response to counsel's *Anders* brief.

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

We affirm the trial court's judgment.¹

Ralph K. Burgess
Justice

Date Submitted: November 9, 2017
Date Decided: November 10, 2017

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¹Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, she must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.