



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

---

No. 06-18-00109-CR

---

TYROBIOA LEROY BROWNER, Appellant

V.

THE STATE OF TEXAS, Appellee

---

On Appeal from the 6th District Court  
Lamar County, Texas  
Trial Court No. 27353

---

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

## MEMORANDUM OPINION

In 2018, Tyrobia Leroy Browner pled guilty to delivery of one or more, but less than four, grams of a penalty group 2-A controlled substance.<sup>1</sup> No plea bargain or agreement was in place. The trial court sentenced Browner to twenty-five years' incarceration.

Browner's attorney has filed a brief which states that he has reviewed the record and has 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 court proceedings. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable 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.

By letter dated August 31, 2018, counsel mailed to Browner copies of the brief, the appellate record, and the motion to withdraw. Browner was informed of his rights to review the record and file a pro se response. By letter dated November 6, 2018, this Court informed Browner that any pro se response was due on or before November 30, 2018. On December 11, 2018, this Court further informed Browner that the case would be set for submission on the briefs on

---

<sup>1</sup>See TEX. HEALTH & SAFETY CODE ANN. §§ 481.1031, 481.113 (West 2017).

January 2, 2019. We received neither a pro se response from Browner nor a motion requesting an extension of time in which to file such a response.<sup>2</sup>

We have determined that this appeal is wholly frivolous. We have independently reviewed the entire appellate record and, like counsel, have determined that no arguable issue supports an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). In the *Anders* context, once we determine that the appeal is without merit, we must affirm the trial court’s judgment. *Id.*

We affirm the judgment of the trial court.<sup>3</sup>

Ralph K. Burgess  
Justice

Date Submitted: January 2, 2019  
Date Decided: January 10, 2019

Do Not Publish

---

<sup>2</sup>This Court granted Browner two extensions of time to file his pro se brief, on October 1, 2018 and on November 6, 2018.

<sup>3</sup>Since 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, he 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.