



IN THE
TENTH COURT OF APPEALS

No. 10-10-00201-CR

ANTHONY MARK GARCIA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 220th District Court
Bosque County, Texas
Trial Court No. 14271

MEMORANDUM OPINION

Anthony Mark Garcia pled guilty to forgery and received deferred adjudication community supervision for a period of three years. The State later moved to proceed to an adjudication of guilt, alleging sixteen violations of his conditions of community supervision. Garcia pled "not true" to all of the allegations. The trial court found allegations 1-4, 8-10, 12, and 16 true, adjudicated Garcia guilty, and sentenced him to fifteen months' confinement in state jail.

Garcia's appointed appellate counsel has filed a motion to withdraw and an *Anders* brief, asserting that he has diligently reviewed the appellate record and that, in his opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Although informed of his right to do so, Garcia did not file a *pro se* response to the *Anders* brief.

In an *Anders* case, we must, "after a full examination of all the proceedings, . . . decide whether the case is wholly frivolous." *Anders*, 386 U.S. at 744, 87 S.Ct. at 1400; accord *Stafford v. State*, 813 S.W.2d 503, 509-11 (Tex. Crim. App. 1991). An appeal is "wholly frivolous" or "without merit" when it "lacks any basis in law or fact." *McCoy v. Court of Appeals*, 486 U.S. 429, 439 n.10, 108 S.Ct. 1895, 1902 n.10, 100 L.Ed.2d 440 (1988). We have conducted an independent review of the record, and because we find this appeal to be wholly frivolous, we affirm the judgment.

We grant appointed counsel's motion to withdraw from representation of Garcia. Notwithstanding this grant, appointed counsel **must** send Garcia a copy of our decision, notify him of his right to file a *pro se* petition for discretionary review, and send this Court a letter certifying counsel's compliance with Texas Rule of Appellate Procedure 48.4. TEX. R. APP. P. 48.4; *see also Ex parte Owens*, 206 S.W.3d 670, 673-74 (Tex. Crim. App. 2006).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed

Opinion delivered and filed August 9, 2012

Do not publish

[CR25]