

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-05-00040-CR

Jimmy Lee Jackson, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 51ST JUDICIAL DISTRICT
NO. A-04-0831-S, HONORABLE BARBARA WALTHER, JUDGE PRESIDING**

MEMORANDUM OPINION

A jury found appellant Jimmy Lee Jackson guilty of possessing ephedrine and anhydrous ammonia with intent to manufacture methamphetamine. *See* Tex. Health & Safety Code Ann. § 481.124(a)(1), (2) (West Supp. 2004-05). The court assessed punishment for each count at twenty years' imprisonment.¹

Jackson's court-appointed attorney filed a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating why there are no meritorious grounds to be advanced. *See also* *Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v.*

¹ The indictment contained five counts. The State abandoned count five. The court granted Jackson's motion for a directed verdict of acquittal on counts one and two. Jackson was convicted on counts three and four.

State, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Jackson received a copy of counsel's brief and was advised of his right to examine the appellate record and to file a pro se brief.

Jackson did not file a pro se brief, but he did file a copy of his pro se motion for appeal originally filed in the trial court. In this document, Jackson complains that he did not receive effective assistance of counsel at trial. Jackson's claim is based on assertions of fact not supported by the record before us.

We have reviewed the record, counsel's brief, and Jackson's motion for appeal. We find nothing in the record that might arguably support the appeal. Counsel's motion to withdraw is granted.

The judgments of conviction are affirmed.

Bea Ann Smith, Justice

Before Justices B. A. Smith, Puryear and Pemberton

Affirmed

Filed: August 10, 2005

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