

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-10-00851-CR

Gilbert Carbajal, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 51ST JUDICIAL DISTRICT
NO. A-10-0084-SB, THE HONORABLE JAY K. WEATHERBY, JUDGE PRESIDING**

MEMORANDUM OPINION

A jury convicted Gilbert Carbajal of the felony offense of evading arrest with a motor vehicle. *See* Tex. Penal Code Ann. § 38.04(b)(2)(A) (West 2011). The jury found the enhancement paragraphs alleging two prior consecutive non-state jail felony convictions to be true and, pursuant to the habitual offender punishment provision, assessed his punishment at confinement for thirty years in the Texas Department of Criminal Justice. *See* Tex. Penal Code Ann. § 12.42(d) (West 2011).

Carbajal's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 744 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable 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. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969).

Carbajal 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. *See Anders*, 386 U.S. at 744. No *pro se* brief or other written response has been filed.

We have reviewed the record, including appellate counsel's brief, and find no reversible error. *See Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We agree with counsel that the appeal is frivolous. Counsel's motion to withdraw is granted.

The judgment of conviction is affirmed.

J. Woodfin Jones, Chief Justice

Before Chief Justice Jones, Justices Henson and Goodwin

Affirmed

Filed: November 10, 2011

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