

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00090-CR

Jerrid Damond Brunt, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 65829, THE HONORABLE JOE CARROLL, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant, Jerrid Damond Brunt, pled guilty and judicially confessed to the offense of felony driving while intoxicated, a third-degree felony.¹ *See* Tex. Penal Code Ann. §§ 49.04(a), 49.09(b)(2) (West 2011). He entered his plea open to the court without benefit of a plea bargain agreement as to punishment. After reviewing the pre-sentence investigation report, the trial court found Brunt guilty and assessed his punishment at confinement for ten years in the Texas Department of Criminal Justice. *See* Tex. Penal Code Ann. § 12.34 (West 2011).

Brunt'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*,

¹ We note that Brunt simultaneously pled guilty to aggravated assault with a deadly weapon, a first-degree felony as indicted, arising out of the same incident. Brunt is not appealing that case.

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).

Brunt 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 the trial court is affirmed.

Melissa Goodwin, Justice

Before Justices Puryear, Rose and Goodwin

Affirmed

Filed: November 8, 2011

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