

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-13-00067-CR**

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**Allen Ray McKinzy, Jr., Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT  
NO. 69618, THE HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Allen Ray McKinzy, Jr. pled guilty and judicially confessed to evading arrest or detention with a motor vehicle, a third degree felony, without benefit of a plea bargain. *See* Tex. Penal Code § 38.04. In addition, McKinzy pled true to an enhancement allegation alleging a prior felony conviction for aggravated assault. *See id.* § 22.02. After hearing evidence, including McKinzy's testimony, the trial court assessed his punishment, enhanced pursuant to the repeat offender punishment provision of the Penal Code, at confinement for eight years in the Institutional Division of the Texas Department of Criminal Justice. *See id.* § 12.42(a).

McKinzy'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* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See Anders v. California*, 386 U.S. 738, 744 (1967);

*Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also Penson v. Ohio*, 488 U.S. 75 (1988).

Counsel certified that he provided a copy of the brief to McKinzy and advised him of his right to examine the appellate record and to file a pro se brief. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. No pro se brief or other written response has been filed.

We have reviewed the record, including appellate counsel's brief, the plea proceedings, and the punishment hearing, and find no reversible error. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766; *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). We agree with counsel that the record presents no arguably meritorious grounds for review and the appeal is frivolous. Counsel's motion to withdraw is granted. The judgment of conviction is affirmed.

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Melissa Goodwin, Justice

Before Justices Puryear, Rose, and Goodwin

Affirmed

Filed: November 22, 2013

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