

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

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**NO. 03-13-00466-CR**

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**Frank Sablan Benavente, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF BELL COUNTY, 426TH JUDICIAL DISTRICT  
NO. 69033, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Frank Sablan Benavente pleaded guilty to theft of property valued at over \$1,500 but less than \$20,000, a state jail felony punishable by confinement for a minimum of 180 days and a maximum of 2 years and a fine not to exceed \$10,000. *See* Tex. Penal Code Ann. §§ 12.35, 31.03. The trial court deferred adjudicating guilt and placed appellant on three-years' community supervision. *See* Tex. Code Crim. Proc. art. 42.12, § 5. After appellant failed to comply with several conditions of community supervision, the State filed a motion to adjudicate guilt, and following appellant's pleas of true to each of the alleged violations, the trial court sentenced him to 10 months in state jail and imposed a fine of \$350. *See id.*

Appellant'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).

Appellant was served 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; *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, 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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J. Woodfin Jones, Chief Justice

Before Chief Justice Jones, Justices Pemberton and Field

Affirmed

Filed: November 8, 2013

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