

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00466-CR

Frank Sablan Benavente, Appellant

v.

The State of Texas, Appellee

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

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.

J. Woodfin Jones, Chief Justice

Before Chief Justice Jones, Justices Pemberton and Field

Affirmed

Filed: November 8, 2013

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