

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-13-00685-CR

Milton Leroy Wesley, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 403RD JUDICIAL DISTRICT
NO. D-1-DC-10-206429, HONORABLE BRENDA KENNEDY, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Milton Leroy Wesley was placed on community supervision after pleading guilty to the first-degree felony offense of possession of a controlled substance, morphine, in an amount of more than 4 grams but less than 200 grams, with intent to deliver. *See* Tex. Health & Safety Code § 481.112(d); Tex. Code Crim. Proc. art. 42.12, § 3 (community supervision). The district court subsequently determined that Wesley violated the conditions of his supervision and revoked his community supervision, sentencing him to the six years of imprisonment originally imposed. *See* Tex. Code Crim. Proc. art. 42.12, § 23 (revocation of community supervision); Tex. Penal Code § 12.32 (first-degree felony punishment range).

Wesley's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that this 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 id.*; *see also* *Penson v. Ohio*, 488 U.S. 75, 80 (1988); *High v. State*, 573 S.W.2d 807, 811-13 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684, 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553, 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Counsel sent a copy of the brief to Wesley 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. Wesley did not file a pro se brief and did not request an extension of time to do so.

We have reviewed the record 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 this appeal is frivolous. Counsel's motion to withdraw is granted. The judgment of conviction is affirmed.

Jeff Rose, Justice

Before Chief Justice Jones, Justices Pemberton and Rose

Affirmed

Filed: March 26, 2014

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