

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00247-CR

George McRae Hughes, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 426TH JUDICIAL DISTRICT
NO. 64062, THE HONORABLE FANCY H. JEZEK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant George McRae Hughes was placed on community supervision for ten years after he pled guilty to unlawful possession of a firearm by a felon. *See* Tex. Penal Code § 46.04; Tex. Code Crim. Proc. art. 42.12, § 3. During the first three years of appellant's supervision, the State filed three separate motions to revoke his community supervision. *See* Tex. Code Crim. Proc. art. 42.12, § 21. After each, appellant was continued on supervision. *See id.* art. 42.12, §§ 21, 22. Finally, the trial court granted the State's fourth motion to revoke after finding that appellant had again violated the conditions of his community supervision.¹ *See id.* art. 42.12, §§ 21, 23. The court revoked appellant's community supervision and assessed his punishment at seven years' confinement in the Texas Department of Criminal Justice. *See id.* art. 42.12, § 23; Tex. Penal Code § 12.34.

¹ The State's fourth motion to revoke contained nine allegations. Without benefit of a plea bargain, appellant pled true to all of the allegations contained in the motion to revoke. After the presentation of evidence from the State, the trial court found all nine allegations to be true.

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's counsel provided a copy of the brief to appellant and advised appellant of his right to examine the appellate record and 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 conducted an independent review of the record, including appellate counsel's brief and the revocation proceeding, 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 trial court's judgment revoking community supervision is affirmed.

Melissa Goodwin, Justice

Before Chief Justice Jones, Justices Rose and Goodwin

Affirmed

Filed: July 30, 2014

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