

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-16-00134-CR
NO. 03-16-00135-CR**

Darren Javier Gardner, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NOS. 73774 & 73952, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Darren Javier Gardner pleaded guilty to aggravated robbery, *see* Tex. Penal Code § 29.03, and engaging in organized criminal activity, *see id.* § 71.02. The trial court sentenced Gardner to 40 years in the Texas Department of Criminal Justice-Institutional Division for each offense, with the sentences to run concurrently.

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, 86–87 (1988).

Appellant’s counsel has represented to the Court that he has provided copies of the motion and the brief to appellant; advised appellant of his right to examine the appellate record and file a pro se brief; and provided appellant with a form motion for pro se access to the appellate record along with the mailing address of this Court. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014); *see also Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. We have not received a pro se brief from appellant.

We have conducted an independent review of 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 judgments of conviction are affirmed.

Scott K. Field, Justice

Before Justices Puryear, Pemberton, and Field

Affirmed

Filed: September 30, 2016

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