

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-16-00660-CR
NO. 03-16-00661-CR**

Austin Taylor Rose, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 299TH JUDICIAL DISTRICT
NOS. D-1-DC-10-205399 & D-1-DC-10-205401
HONORABLE KAREN SAGE, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Austin Taylor Rose pleaded guilty to two counts of the felony offense of possession of a controlled substance, *see* Tex. Health & Safety Code §§ 481.112(d), .115(d), and was placed on deferred adjudication community supervision. The State later moved to adjudicate guilt as to both offenses. Appellant entered a plea of true to one of the allegations of a violation of the terms and conditions of the deferred adjudication included in each motion to adjudicate. The trial court adjudicated guilt as to each offense and assessed punishment for each offense at two years' confinement in the Institutional Division of the Texas Department of Criminal Justice, with the sentences to run concurrently.

Appellant's court-appointed attorney has filed a motion to withdraw in each cause, supported by a brief concluding that the appeals are 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 motions 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. Smith*, 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 received no 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 appeals are frivolous.

Counsel's motions to withdraw are granted. The judgments of conviction are affirmed.

Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Bourland

Affirmed

Filed: March 10, 2017

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