

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00743-CR

Fredrick Lee Perkins, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT
NO. 75912, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

MEMORANDUM OPINION

This is an appeal pursuant to *Anders v. California*.¹ Appellant Frederick Lee Perkins pleaded guilty to the felony offense of driving while intoxicated, and the court rendered judgment on the plea.² During the plea hearing, the district court took judicial notice of the court's file, including the plea paperwork and Perkins's signed judicial confession. The district court found that the evidence was sufficient to support a finding of guilt, found him guilty of driving while intoxicated, and proceeded to sentence him to seven years' imprisonment and a fine of \$750. This appeal followed.

Perkins's court-appointed counsel on appeal has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the

¹ 386 U.S. 738 (1967).

² See Tex. Penal Code §§ 49.04(a); 49.09(b).

requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced.³ Counsel has certified to the Court that he has provided a copy of the motion and brief to Perkins, advised Perkins of his right to examine the appellate record and file a pro se response, and supplied Perkins with a form motion for pro se access to the appellate record.⁴ No pro se brief or other written response has been filed.

We have reviewed the record and counsel's brief. We agree with counsel that the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal. Counsel's motion to withdraw is granted.

The judgment of conviction is affirmed.

Bob Pemberton, Justice

Before Justices Puryear, Pemberton, and Field

Affirmed

Filed: August 18, 2017

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³ See 386 U.S. at 744–45; see also *Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972).

⁴ See *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014).