

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00142-CR

Lorenzo Wesley Espitia, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 27TH JUDICIAL DISTRICT
NO. 76148, HONORABLE JOHN GAUNTT, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Lorenzo Wesley Espitia, Jr. was charged with possession of a controlled substance, methamphetamine, less than one gram, *see* Tex. Health & Safety Code § 481.115(b), a state-jail felony enhanced to a second-degree felony by means of his plea of “true” to two prior felony convictions, *see* Tex. Penal Code § 12.425(b). Espitia entered a plea of guilty, and the trial court assessed his punishment at five years in the Texas Department of Criminal Justice-Institutional Division.

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 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. To date, the Court has not received any filing 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 judgment of conviction is affirmed.

Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Bourland

Affirmed

Filed: June 15, 2017

Do Not Publish