

NO. 12-10-00385-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

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| <i>IN THE MATTER</i> | § | <i>APPEAL FROM THE</i> |
| <i>OF D.R.B.,</i> | § | <i>COUNTY COURT AT LAW</i> |
| <i>A JUVENILE</i> | § | <i>ANDERSON COUNTY, TEXAS</i> |

***MEMORANDUM OPINION
PER CURIAM***

D.R.B., a juvenile, appeals the trial court's order modifying his disposition and committing him to the Texas Youth Commission for delinquent conduct. Appellant's counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). We affirm.

BACKGROUND

On December 19, 2008, the State filed its Amended Petition for Determinate Sentencing alleging that Appellant engaged in delinquent conduct by, among other things, committing multiple offenses of aggravated sexual assault of a child. Following an adjudication hearing, the trial court found that Appellant engaged in delinquent conduct as alleged and placed Appellant on probation until his eighteenth birthday.

On September 27, 2010, the State filed a petition to modify disposition alleging that Appellant had violated certain terms and conditions of his probation. The trial court conducted a hearing on the State's petition on October 5, 2010. Following the presentation of evidence and argument of counsel, the trial court found the allegations in the State's petition to modify to be "true" and committed Appellant to the Texas Youth Commission. This appeal followed.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

Appellant's counsel filed a brief in compliance with *Anders v. California* and *Gainous v. State*. Appellant's counsel states that he has diligently reviewed the appellate record and is of the opinion that the record reflects no reversible error and that there is no error upon which an appeal can be predicated. He further relates that he is well acquainted with the facts in this case. In compliance with *Anders*, *Gainous*, and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978), Appellant's brief presents a chronological summation of the procedural history of the case and further states that Appellant's counsel is unable to raise any arguable issues for appeal.¹ We have likewise reviewed the record for reversible error and have found none.

CONCLUSION

As required by *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991), Appellant's counsel has moved for leave to withdraw. See also *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding). We carried the motion for consideration with the merits. Having done so and finding no reversible error, Appellant's counsel's motion for leave to withdraw is hereby *granted* and the appeal is *dismissed*.

As a result of our disposition of this case, Appellant's counsel has a duty to, within five days of the date of this opinion, send a copy of the opinion and judgment to Appellant and advise him of his right to file a petition for review. See TEX. R. APP. P. 48.4; *In re Schulman*, 252 S.W.3d at 411 n.35. Should Appellant wish to seek review of this case by the Texas Supreme Court, he must either retain an attorney to file a petition for review on his behalf or he must file a petition for review pro se. See TEX. FAM. CODE ANN. § 56.01(a) (West Supp. 2010). Any petition for review must be filed within forty-five days from the date of either this opinion or the last timely motion for rehearing that was overruled by this court. See TEX. R. APP. P. 53.7(a). Any petition for review must be filed with the Texas Supreme Court clerk. See *id.* Any petition for review should comply with the requirements of Texas Rule of Appellate Procedure 53.2.

Opinion delivered September 30, 2011.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)

¹ Counsel for Appellant states in his motion to withdraw that he provided Appellant with a copy of this brief. Appellant was given time to file his own brief in this cause. The time for filing such a brief has expired and no pro se brief in compliance with the Texas Rules of Appellate Procedure has been filed.