

**NO. 12-15-00103-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

***DESIREE CHUMBLEY,  
APPELLANT***

§ ***APPEAL FROM THE 2ND***

***V.***

§ ***JUDICIAL DISTRICT COURT***

***THE STATE OF TEXAS,  
APPELLEE***

§ ***CHEROKEE COUNTY, TEXAS***

---

---

***MEMORANDUM OPINION***

Desiree Chumbley appeals his conviction for burglary of a habitation. 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**

The State charged Appellant with burglary of a habitation, enhanced by a prior felony conviction. Appellant pleaded “not guilty” to the charged offense and pleaded “true” to the indictment’s enhancement paragraph. The jury found Appellant guilty and assessed a punishment of imprisonment for sixty years.

**ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA***

Appellant’s counsel filed a brief in compliance with *Anders* and *Gainous*. Appellant’s counsel states that he has reviewed the record and concluded that it reflects no jurisdictional defects or reversible error. 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 procedural history of the case and a professional evaluation of the record demonstrating why there are no

arguable issues for appeal.<sup>1</sup> See *Anders*, 386 U.S. at 745, 87 S. Ct. at 1400; *Gainous*, 436 S.W.2d at 138; see also *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 350, 102 L. Ed. 2d 300 (1988). We have conducted an independent review of the record and have found no reversible error. See *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We conclude the appeal is wholly frivolous.

### 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). Having concluded that the appeal is wholly frivolous, we *grant* counsel's motion for leave to withdraw and *affirm* the trial court's judgment.

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 discretionary 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 Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review on his behalf or file a petition for discretionary review pro se. Any petition for discretionary review must be filed with the Texas Court of Criminal Appeals within thirty 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. 68.2; 68.3(a). Any petition for discretionary review should comply with the requirements of Texas Rule of Appellate Procedure 68.4. See *In re Schulman*, 252 S.W.3d at 408 n.22.

**BRIAN HOYLE**  
Justice

Opinion delivered January 11, 2017.  
*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(DO NOT PUBLISH)

---

<sup>1</sup> Appellant's counsel states that he provided Appellant with a copy of the *Anders* brief. Appellant was given time to file his own brief in this cause. The time for filing such a brief has expired and we have received no pro se brief.



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JANUARY 11, 2017

NO. 12-15-00103-CR

DESIREE CHUMBLEY,

Appellant

V.

THE STATE OF TEXAS,

Appellee

---

Appeal from the 2nd District Court  
of Cherokee County, Texas (Tr.Ct.No. 19193)

---

THIS CAUSE came to be heard on the appellate record and brief filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

Brian Hoyle, Justice.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*