

Opinion issued June 18, 2020



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-19-00786-CR

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**MICHAEL CHRISTOPHER MOORE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 213th District Court  
Tarrant County, Texas  
Trial Court Case No. 1505997D**

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**MEMORANDUM OPINION**

Appellant, Michael Christopher Moore, pleaded guilty to the felony offense of possession of a controlled substance of one gram or more but less than four grams (methamphetamine). *See* TEX. HEALTH & SAFETY CODE § 481.115(a), (c); 481.102. In accordance with appellant's plea-bargain agreement with the State, the

trial court found sufficient evidence to find appellant guilty, but deferred making any finding regarding appellant's guilt and placed appellant on community supervision for a period of four years and fined appellant \$400. Appellant also was ordered to pay court costs of \$394, a community supervision fee of \$60 per month, and a Crime Stoppers fee of \$50.

On February 15, 2019, the State filed a motion to adjudicate guilt and revoke community supervision. TEX. CODE CRIM. PRO. art. 42A.108(c). The State filed an amended motion on June 27, 2019. During a hearing on September 4, 2019, appellant entered a plea of "not true" to one violation of his probation: evading arrest/detention with a vehicle. Appellant did not enter a plea but the trial court entered a "not true" plea to the other alleged violations of appellant's probation: (1) failure to complete 20 community service restitution hours per month from March 2018 through January 2019; (2) testing positive for marijuana; and (3) using, possessing or consuming alcohol. The trial court found the appellant committed the probation violations of evading arrest and failing to complete community service, adjudicated appellant guilty, and sentenced him to three years' confinement in the Texas Department of Criminal Justice. Appellant timely filed a notice of appeal.

Appellant's appointed counsel on appeal has filed a motion to withdraw, along with a brief stating that the record presents no reversible error and the appeal

is without merit and is frivolous. *See Anders v. California*, 386 U.S. 738 (1967). Counsel’s brief meets the *Anders* requirements by presenting a professional evaluation of the record and supplying us with references to the record and legal authority. 386 U.S. at 744; *see also High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978). Counsel indicates that he has thoroughly reviewed the record and he is unable to advance any grounds of error that warrant reversal. *See Anders*, 386 U.S. at 744; *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.).

We have independently reviewed the entire record in this appeal, and we conclude that no reversible error exists in the record, there are no arguable grounds for review, and the appeal is frivolous. *See Anders*, 386 U.S. at 744 (the reviewing court—and not counsel—determines, after full examination of proceedings, whether appeal is wholly frivolous); *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009) (reviewing court must determine whether “arguable grounds” for review exist); *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (same). We note that an appellant may challenge a holding that there are no arguable grounds for appeal by filing a petition for discretionary review in the Texas Court of Criminal Appeals. *See Bledsoe*, 178 S.W.3d at 827 & n.6.

We affirm the judgment of the trial court and grant counsel's motion to withdraw.<sup>1</sup> Attorney John W. Stickels must immediately send appellant the required notice and file a copy of the notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c).

**PER CURIAM**

Panel consists of Justices Keyes, Lloyd, and Hightower

Do not publish. TEX. R. APP. P. 47.2(b).

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<sup>1</sup> Appointed counsel still has a duty to inform appellant of the result of this appeal and that he may, on his own, pursue discretionary review in the Texas Court of Criminal Appeals. *See Ex Parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997).