

Opinion issued July 7, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-01100-CR

TRAVIS O'NEAL BLUNTSON, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 155th District Court
Austin County, Texas
Trial Court Case No. 2012R-0022

MEMORANDUM OPINION

A jury found appellant, Travis O'Neal Bluntson, guilty of the felony offense of attempted capital murder,¹ and it assessed his punishment at confinement for ninety-nine years and a \$10,000 fine. The trial court certified that this case is not a

¹ See TEX. PENAL CODE ANN. §§ 15.01, 19.03 (a)(1).

plea-bargain case and appellant has the right to appeal. 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. *See id.* 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 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.).

Counsel has informed the Court that he provided to appellant a copy of the brief, the motion to withdraw, the appellate record, and a form motion to access the record. And counsel informed appellant of his right to file a response to counsel's *Anders* brief.² *See Kelly v. State*, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014) (citations omitted); *In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008)

² This Court also notified appellant that his counsel had filed an *Anders* brief and motion to withdraw and informed appellant that he had a right to examine the appellate record and file a response to his counsel's *Anders* brief. And this Court provided appellant with a form motion to access the appellate record. *See Kelly v. State*, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008).

Appellant filed a motion to access the appellate record, which this Court provided to him, and he filed a pro se response. The State filed a response to counsel's *Anders* brief and a response to appellant's pro se response.

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 (emphasizing 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); *Mitchell*, 193 S.W.3d at 155 (reviewing court determines whether arguable grounds exist by reviewing entire record). 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.³ Attorney John D. Perches must immediately send appellant the

³ 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).

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 Chief Justice Radack and Justices Lloyd and Countiss.

Do not publish.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