



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-19-00268-CR

DAVID R. STEINER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 102nd District Court
Bowie County, Texas
Trial Court No. 19F0535-202

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Justice Stevens

MEMORANDUM OPINION

A Bowie County Jury convicted David R. Steiner of possession of a deadly weapon in a penal institution, a third-degree felony. *See* TEX. PENAL CODE ANN. § 46.10(d). After Steiner pled true to the State's punishment enhancement allegation, the trial court imposed the jury's assessed sentence of twenty years' imprisonment. Steiner appeals.¹

Steiner's attorney on appeal has filed a brief stating that he has reviewed the record and has found no genuinely arguable issues that could be raised. The brief sets out the procedural history of the case and summarizes the evidence elicited during the trial court proceedings. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

On February 19, 2020, counsel certified that he mailed to Steiner a copy of the brief, the motion to withdraw, and a motion for pro se access to the appellate record lacking only Steiner's signature. Steiner was informed of his right to review the record and file a pro se response. This Court advised Steiner that his pro se motion for access to the appellate record was due on or before March 4. On March 23, we notified Steiner that any pro se response was due on or before April 22. On April 28, this Court further informed Steiner that the case would be set for submission on

¹In our companion cases 06-19-00256-CR and 06-19-00267-CR, Steiner also appeals from convictions of assault on a public servant and aggravated assault on a public servant.

the briefs on May 19. We received neither a pro se response from Steiner nor a motion requesting an extension of time in which to file such a response.

We have determined that this appeal is wholly frivolous. We have independently reviewed the entire appellate record and, like counsel, have determined that no arguable issue supports an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). In the *Anders* context, once we determine that the appeal is without merit, we must affirm the trial court’s judgment. *Id.*

We affirm the judgment of the trial court.²

Scott E. Stevens
Justice

Date Submitted: May 19, 2020
Date Decided: June 12, 2020

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²Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel’s request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, appellant must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.