NO. 07-10-0509-CR

IN THE COURT OF APPEALS

FOR THE SEVENTH DISTRICT OF TEXAS

AT AMARILLO

PANEL B

MAY 25, 2011

JERRY WAYNE HARPER,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 108TH DISTRICT COURT OF POTTER COUNTY;

NO. 60,695-E; HONORABLE DOUGLAS R. WOODBURN, PRESIDING

Memorandum Opinion

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Jerry Wayne Harper (appellant) appeals his conviction for delivery of a controlled substance. Appellant's appointed counsel filed a motion to withdraw, together with an *Anders*[1] brief, wherein she certified that, after diligently searching the record, she concluded that the appeal was without merit. Along with her brief, appellate counsel filed a copy of a letter sent to appellant informing him of counsel's belief that there was

[1]*See Anders v. California,* 386 U.S. 738, 744-45, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

no reversible error and of appellant's right to file a response *pro se.* By letter dated April 15, 2011, this court notified appellant of his right to file his own brief or response by May 16, 2011, if he wished to do so. To date, appellant has failed to file a response.

In compliance with the principles enunciated in *Anders,* appellate counsel discussed three potential areas for appeal. They included the 1) chain of custody required for the admission of the drugs, 2) sufficiency of the evidence and 3) use of extraneous offenses during punishment. However, counsel then proceeded to explain why the issues were without merit.

In addition, we conducted our own review of the record to assess the accuracy of appellate counsel's conclusions and to uncover any arguable error pursuant to *Stafford v. State,* 813 S.W.2d 508 (Tex. Crim. App. 1991). After doing so, we concur with counsel's conclusions.

Accordingly, the motion to withdraw is granted, and the judgment is affirmed.[2]

Brian Quinn
Chief Justice

Do not publish.

[2]Appellant has the right to file a *pro se* petition for discretionary review from this opinion.