

AFFIRMED and Opinion Filed July 6, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-19-00585-CR

**DALE LEROY VERHAGEN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 382nd Judicial District Court
Rockwall County, Texas
Trial Court Cause No. 2-19-0252**

MEMORANDUM OPINION

Before Justices Bridges, Pedersen, III, and Evans
Opinion by Justice Evans

Appellant Dale Leroy Verhagen appeals his conviction for possession with intent to deliver methamphetamine in an amount of four grams or more, but less than two hundred grams. We affirm the trial court's judgment.

BACKGROUND

Appellant was indicted for the offense of possession with intent to deliver methamphetamine in an amount of four grams or more, but less than two hundred grams. At the admonishment hearing, the State advised the court of its offer of fifteen years and noted that it would add an enhancement paragraph to the indictment

if the case went to trial. Appellant rejected the offer and elected to present his case to a jury. The jury found appellant guilty of the offense as alleged in the indictment. The jury subsequently found the allegation of the previous felony conviction was true and sentenced appellant to fifteen years' imprisonment.

ANALYSIS

Appellant's appointed counsel filed an *Anders* brief and motion to withdraw stating that she diligently reviewed the entire appellate record and that, in her opinion, there are no meritorious issues on appeal. *See Anders v. California*, 386 U.S. 738, 744 (1967). Counsel's brief meets the requirements of *Anders* as it presents a professional evaluation of the record demonstrating why there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978) (evaluating whether brief meets *Anders* requirements). Counsel delivered a copy of the brief to appellant, and by letter dated December 27, 2019, we advised appellant of his right to file a pro se response and that he needed to file a motion for pro se access to the appellant record by February 3, 2020. We advised appellant that failure to file a motion by that date would result in the case being submitted on the *Anders* brief alone. Appellant did not file a motion or response.

Upon receiving an *Anders* brief, this Court must conduct an independent examination of all proceedings to determine whether the case is wholly frivolous.

Penson v. Ohio, 488 U.S. 75, 80 (1988). We have reviewed the entire record and counsel's brief and we have found nothing that would arguably support the appeal.

CONCLUSION

Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

/David Evans/

DAVID EVANS
JUSTICE

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TEX. R. APP. P. 47
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

DALE LEROY VERHAGEN,
Appellant

No. 05-19-00585-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 382nd Judicial
District Court, Rockwall County,
Texas

Trial Court Cause No. 2-19-0252.

Opinion delivered by Justice Evans.
Justices Bridges and Pedersen, III
participating.

Based on the Court's opinion of this date, the judgment of the trial court is
AFFIRMED.

Judgment entered July 6, 2020.