

COURT OF APPEALS SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Robert Wayne Dugan II v. the State of Texas

No. 06-26-00027-CR · No. No. 06-26-00027-CR · Decided June 11, 2026

SUMMARY

The Sixth Court of Appeals of Texas at Texarkana affirmed the trial court’s judgment after Robert Wayne Dugan II pleaded guilty to first-degree felony manufacture or delivery of methamphetamine and received a twenty-four-year prison sentence. Applying *Anders v. California*, the court found no arguable issues supporting the appeal, granted appointed counsel’s motion to withdraw, and concluded the appeal was wholly frivolous.

CASE DETAILS

COURT	Court of Appeals Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Scott E. Stevens; Scott E. Stevens, C.J.; van Cleef, J.; Rambin, J.
JURISDICTION	Court of Appeals Sixth Appellate District of Texas at Texarkana
DECIDED	June 11, 2026
DOCKET	No. 06-26-00027-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dugan appealed his conviction and twenty-four-year sentence following a guilty plea to first-degree felony manufacture or delivery of methamphetamine. Appellate counsel filed an <i>Anders</i> brief and a motion to withdraw.
STANDARD OF REVIEW	In an <i>Anders</i> appeal, the appellate court independently reviews the entire record to determine whether any arguable issue supports reversal. If the appeal is without merit and presents no reversible error, the court must affirm the trial court's judgment.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do Not Publish.
PARTIES	Robert Wayne Dugan II v. The State of Texas

TOPICS

- criminal procedure
- appellate procedure
- right to counsel
- standard of review

PRACTICE AREAS

criminal appellate procedure

Anders appeals

right to counsel

QUESTIONS PRESENTED

1. Whether appointed appellate counsel satisfied the requirements of *Anders v. California* by filing a brief demonstrating that the record presented no genuinely arguable grounds for appeal.
2. Whether independent review of the appellate record revealed any arguable issue or reversible error requiring reversal of the judgment.
3. Whether appellate counsel should be permitted to withdraw after the court determined that the appeal was wholly frivolous.

HOLDINGS

1. Counsel's professional evaluation of the record, explaining why no arguable grounds for appeal existed, satisfied the requirements of *Anders*.
2. The appeal was wholly frivolous and no arguable issue supported reversal; the trial court's judgment was therefore affirmed.
3. The court granted counsel's motion to withdraw and appointed no substitute counsel.

KEY QUOTATIONS

"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."

"We affirm the judgment of the trial court."

FACTUAL BACKGROUND

Dugan pleaded guilty to first-degree felony manufacture or delivery of methamphetamine involving four grams or more but less than 200 grams. He was advised that the applicable punishment range was five to ninety-nine years or life imprisonment and a fine of up to \$10,000. After a bench punishment hearing, the trial court imposed a twenty-four-year prison sentence.

PROCEDURAL HISTORY

Dugan pleaded guilty in the 355th District Court of Hood County, Texas, to manufacture or delivery of four grams or more but less than 200 grams of methamphetamine. After a bench punishment hearing, the trial court sentenced him to twenty-four years' incarceration. The case was originally appealed to the Second Court of Appeals and transferred to the Sixth Court of Appeals under the Texas Supreme Court's docket-equalization authority. Appointed counsel filed an *Anders* brief asserting that no arguable appellate issues existed, and the court independently reviewed the record, received no pro se response, found the appeal wholly frivolous, affirmed the judgment, and granted counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- 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)
- Bledsoe v. State, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005)

OPINION

PER CURIAM.

In the Court of Appeals Sixth Appellate District of Texas at Texarkana No. 06-26-00027-CR ROBERT WAYNE DUGAN II, Appellant V. THE STATE OF TEXAS, Appellee On Appeal from the 355th District Court Hood County, Texas Trial Court No. CR16978 Before Stevens, C.J., van Cleef and Rambin, JJ. Memorandum Opinion by Chief Justice Stevens MEMORANDUM OPINION Robert Wayne Dugan, II, pled guilty to the first-degree felony of manufacture or delivery of a controlled substance, methamphetamine, four grams or more but less than 200 grams.

See TEX. HEALTH & SAFETY CODE ANN. § 481.112 (Supp.). Dugan was advised at the time of his plea that the punishment range for the first-degree felony offense was from five to ninety-nine years or life in prison and a fine of up to \$10,000.00. There was a punishment hearing before the bench, and the trial court sentenced Dugan to twenty-four years' incarceration.

Dugan appeals.¹ Dugan's attorney has filed a brief stating that she reviewed the record and found no genuinely arguable issues that could be raised on appeal. The brief sets out the procedural history of the case and summarizes the evidence elicited during the course of the trial court proceedings. Since counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced, that evaluation meets the requirements of Anders v. California.

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 March 19, 2026, counsel confirmed that copies of the brief, the motion to ¹ Originally appealed to the Second Court of Appeals, this case was transferred to this Court by the Texas

Supreme Court pursuant to its docket equalization efforts. See TEX. GOV'T CODE ANN. § 73.001 (Supp.).

We follow the precedent of the Second Court of Appeals in deciding the issues presented. See TEX. R. APP. P. 41.3. 2 withdraw, the record, and a letter outlining his pro se rights were delivered to Dugan. Dugan was informed of his rights to review the record and file a pro se response. By letter dated April 22, this Court informed Dugan that the case would be set for submission on May 13.

We received neither a pro se response from Dugan 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 Chief Justice Date Submitted: May 13, 2026 Date Decided: June 11, 2026 Do Not Publish 2 Since 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, the 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. 3