



COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

FERMIN GENE RAYOS, JR.,	§	
		No. 08-16-00211-CR
	§	
Appellant,	§	Appeal from the
	§	
V.	§	119th District Court
	§	
THE STATE OF TEXAS,	§	of Tom Green County, Texas
	§	(TC# B-15-0405-SB)
	§	
Appellee.	§	
	§	

**MEMORANDUM OPINION**

Fermin Gene Rayos, Jr. appeals his convictions of aggravated assault of a public servant with a deadly weapon (Counts I, II, and III), enhanced by a prior felony conviction. Appellant waived his right to a jury trial and tried his case to the court. The court found Appellant guilty of each count, found the enhancement paragraph true, and assessed Appellant's punishment at imprisonment for a term of thirty years on each count. We affirm.

**FRIVOLOUS APPEAL**

Appellant's court-appointed counsel has filed a brief in which he has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. State of California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional

evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. *See In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex.Crim.App. 2008)(“In Texas, an *Anders* brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.”); *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978). Counsel has notified the Court in writing that he has delivered a copy of counsel’s brief and the motion to withdraw to Appellant, and he has advised Appellant of his right to review the record, file a *pro se* brief, and to seek discretionary review. *Kelly v. State*, 436 S.W.3d 313, 318-20 (Tex.Crim.App. 2014)(setting forth duties of counsel). We granted Appellant’s motion for access to the appellate record and provided him with a copy of the record. Appellant has filed a *pro se* brief.<sup>1</sup>

After carefully reviewing the record and counsel’s brief, we conclude that the appeal is wholly frivolous and without merit. Further, we find nothing in the record that might arguably support the appeal. A discussion of the issues presented in the *pro se* brief would not contribute to the jurisprudence of the state. The judgment of the trial court is affirmed.

June 14, 2017

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Palafox, JJ.

(Do Not Publish)

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<sup>1</sup> Appellant’s brief is titled as a petition for discretionary review, but we filed it as his *pro se* brief.