

*Court Of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-08-00298-CR

Joe **RAMIREZ**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 227th Judicial District Court, Bexar County, Texas  
Trial Court No. 2007-CR-1716W  
Honorable Philip A. Kazen, Jr., Judge Presiding

PER CURIAM

Sitting: Catherine Stone, Justice  
Phylis J. Speedlin, Justice  
Steven C. Hilbig, Justice

Delivered and Filed: November 19, 2008

AFFIRMED

Joe Ramirez pleaded nolo contendere to the offense of burglary of a building with the intent to commit theft, and was placed on community supervision for a term of five years. The State filed a motion to revoke Ramirez's community supervision, alleging Ramirez had violated the terms of his community supervision by failing to report to his probation officer, failing to attend drug/alcohol counseling, and neglecting to pay \$1,250 in administrative fees and court costs. After a hearing on

the State's motion, the trial court revoked Ramirez's community supervision. The trial court subsequently sentenced Ramirez to a term of 18 months imprisonment and ordered Ramirez to pay \$4,200 in fines and penalties. We affirm.

Ramirez's court-appointed attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel concludes that the appeal is frivolous and without merit. Counsel provided Ramirez with a copy of the brief and informed him of his right to review the record and file his own brief. See *Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Ramirez did not file a *pro se* brief.

After reviewing the record and counsel's brief, we agree that the appeal is frivolous and without merit. The judgment of the trial court is therefore affirmed. Furthermore, we grant appellate counsel's motion to withdraw. *Nichols v. State*, 954 S.W.2d at 86; *Bruns* 924 S.W.2d at 177 n.1. No substitute counsel will be appointed. Should Ramirez wish to seek further review of this case by the Texas Court of Criminal Appeals, he 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 must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this court, after which it will be forwarded to the Texas Court of Criminal Appeals. See TEX. R. APP. P. 68.3; 68.7. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 68.4.

PER CURIAM

DO NOT PUBLISH



