

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



MEMORANDUM OPINION

No. 04-11-00742-CR

Jose Gomez **SANCHEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 216th Judicial District Court, Kerr County, Texas
Trial Court No. A10689
Honorable N. Keith Williams, Judge Presiding

Opinion by: Sandee Bryan Marion, Justice

Sitting: Catherine Stone, Chief Justice
Sandee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: July 11, 2012

AFFIRMED

After a jury trial, appellant, Jose Gomez Sanchez, was convicted of indecency by exposure with a child younger than seventeen years of age. The trial court assessed punishment at ten years' confinement. We conclude this appeal is frivolous and without merit; therefore, we affirm.

Appellant's counsel filed a brief with this court in which he concluded the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744 (1967). In his brief,

counsel states: (1) he diligently reviewed the appellate record; (2) he found no non-frivolous grounds for reversal present in the record; and (3) he served a copy of this brief on appellant with a letter informing appellant of his right to file a pro se brief on his own behalf.¹ In counsel's brief, counsel reviewed the indictment and pretrial matters; evidence adduced at trial; the jury charge; and closing arguments. Counsel also reviewed the punishment phase of trial, including evidence adduced. Finally, counsel examined the record to determine whether any claim of ineffective assistance could be brought and concluded none could. With citations to the record and legal precedent, counsel explains why he concludes the appeal is without merit. The brief meets the requirements of *Anders* as it presents a professional evaluation showing why there is no basis to advance an appeal. *Id.* at 744–45; *Stafford v. State*, 813 S.W.2d 503, 509–10, 510 n. 3 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812-13 (Tex. Crim. App. [Panel Op.] 1978).

Upon receiving an *Anders* brief, we must conduct a full examination of all the proceedings to determine whether the case is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80. We have reviewed the entire record and find that the appeal is frivolous; therefore, we affirm the trial court's judgment and grant appellate counsel's motion to withdraw.² *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.).

Sandee Bryan Marion, Justice

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¹ This court also provided appellant with the opportunity to file a pro se appellate brief, but none has been filed.

² No substitute counsel will be appointed. Should appellant 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 must 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 is overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the Texas Court of Criminal Appeals along with the rest of the filings in this case. *See* TEX. R. APP. P. 68.3. Any petition for discretionary review must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4.