



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

Nos. 04-18-00357-CR & 04-18-00358-CR

Carlos Javier **CHAVEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 6, Bexar County, Texas
Trial Court Nos. 551667 & 551669
Honorable Wayne A. Christian, Judge Presiding

Opinion by: Liza A. Rodriguez, Justice

Sitting: Rebeca C. Martinez, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: July 17, 2019

AFFIRMED; MOTION TO WITHDRAW GRANTED

Carlos Javier Chavez was convicted by a jury of the offense of evading arrest or detention and the offense of driving while intoxicated with a BAC of 0.15 or higher. *See* TEX. PENAL CODE ANN. §§ 38.04, 49.04(d). The trial court sentenced Chavez to serve one year in the Bexar County jail and assessed a \$4,000 fine, plus court costs, in each case with the sentences to run concurrently. Chavez appealed. The two cases were consolidated for purposes of appeal.

Chavez's court-appointed appellate attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967), and a

motion to withdraw. In the brief, counsel raises no arguable appellate issues, and concludes this appeal is frivolous and without merit. The brief meets the *Anders* requirements. *See id.*; *see also High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). As required, counsel provided Chavez with a copy of the brief and motion to withdraw, and informed him of the right to receive a copy of the appellate record and to file his own *pro se* brief. *See Kelly v. State*, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014); *see also 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.). Chavez did not file a *pro se* brief. After reviewing the appellate record and counsel’s brief, we conclude there is no reversible error and agree with counsel that the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

Accordingly, the judgments of the trial court are affirmed, and appellate counsel’s motion to withdraw is granted.¹ *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177.

Liza A. Rodriguez, Justice

DO NOT PUBLISH

¹ No substitute counsel will be appointed. Should Chavez 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 in the Court of Criminal Appeals. *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.