

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00053-CR

RYAN ALAN MARTINEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 14-05-05642-CR**

MEMORANDUM OPINION

In this appeal, Ryan Alan Martinez’s appellate counsel filed a brief in which he contends that no arguable grounds can be advanced to support a decision reversing Martinez’s online solicitation of a minor conviction. *See* Tex. Penal Code Ann. § 33.021(c) (West Supp. 2016).¹ We have reviewed the record, and we agree

¹ For convenience, we cite the current Penal Code.

with Martinez's counsel that no arguable issues exist to support an appeal. *See Anders v. California*, 386 U.S. 738 (1967).

Martinez pled guilty to online solicitation of a minor in an open plea. At his sentencing hearing, the trial court sentenced Martinez to two years in prison. Subsequently, Martinez filed a timely notice of appeal.

In connection with Martinez's appeal, Martinez's counsel filed a brief presenting counsel's professional evaluation of the record. In the brief, Martinez's counsel concludes that any appeal would be frivolous. *See Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). After receiving the *Anders* brief, we granted an extension of time to allow Martinez an opportunity to file a *pro se* response. However, no response was filed.

After reviewing the appellate record and the *Anders* brief filed by Martinez's counsel, we agree with counsel's conclusions that an appeal on the current record would be frivolous. Therefore, we conclude it is not necessary to order that new counsel be appointed to re-brief the appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to appoint other counsel only if it determines that there were arguable grounds for the appeal). Given our

conclusion that no arguable error exists to support Martinez's appeal, we affirm the trial court's judgment.²

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on July 15, 2016
Opinion Delivered April 5, 2017
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.

² Martinez may challenge our decision in the case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.