



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-19-00245-CR

AUGUSTIN PINEDA, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

**On Appeal from the 100th District Court
Hall County, Texas
Trial Court No. 3696, Honorable Stuart Messer, Presiding**

February 24, 2021

MEMORANDUM OPINION

Before QUINN, C.J., and PARKER and DOSS, JJ.

Appellant, Augustin Pineda, appeals the trial court's judgment convicting him of aggravated assault with a deadly weapon. After accepting a guilty plea and following the plea agreement, the trial court placed appellant on six years' deferred adjudication probation. Subsequently, the State moved the trial court to adjudicate appellant's guilt in the cause. After a hearing on the motion and accepting appellant's plea of true to all allegations found in the State's motion to adjudicate guilt, the trial court found that appellant violated conditions of his probation and adjudicated him guilty. Then, it sentenced him to eighteen years in prison. Appellant now appeals.

Appellant’s counsel has filed a motion to withdraw together with an *Anders*¹ brief. Through those documents, she certifies to the Court that, after diligently searching the record, the appeal is without merit. Accompanying the brief and motion is a copy of a letter sent by counsel to appellant informing the latter of counsel’s belief that there is no reversible error and of appellant’s right to file a pro se response to counsel’s *Anders* brief. So too did counsel provide appellant with a copy of the clerk’s and reporter’s records, according to the letter. By letter dated November 21, 2019, this Court notified appellant of his right to file his own brief or response by December 23, 2019, if he wished to do so. On December 30, 2019, after receiving an opportunity to respond to counsel’s *Anders* brief, appellant filed with this Court a letter wherein he requested “an extension of time to file [a] Petition for Discretionary Review.”

In compliance with the principles enunciated in *Anders*, appellate counsel discussed potential areas for appeal. They concerned 1) sufficiency of the evidence to support revocation and 2) disproportionate sentencing. However, she then explained why the issues lacked merit. We conducted our own review of the record to uncover arguable error. This was done per *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008), and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991) (en banc). No arguable issues were discovered.

Accordingly, the motion to withdraw is granted, and the judgment is affirmed.²

Per Curiam

Do not publish.

¹ See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

² Appellant has the right to file a petition for discretionary review with the Court of Criminal Appeals.