



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

No. 07-19-00371-CR

RICHARD ALVARADO, APPELLANT

V.

STATE OF TEXAS, APPELLEE

On Appeal from the 207th District Court of
Comal County, Texas
Trial Court No. CR2018-321, Honorable Jack Robison, Presiding

March 22, 2021

MEMORANDUM OPINION

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

Richard Alvarado, appellant, appeals the trial court's judgment convicting him of aggravated sexual assault of a child, two counts of indecency with a child by contact, and one count of indecency with a child by exposure. Respective punishments imposed for the convictions were ninety-nine, twenty, twenty, and ten years' imprisonment, three of

which will run concurrently with one of the twenty-year sentences having been stacked. Appellant filed an appeal.¹

Appellant's counsel has filed a motion to withdraw together with an *Anders* brief.² Through those documents, he 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 response, pro se, to counsel's motion to withdraw and *Anders* brief. So too did counsel provide appellant with a motion for pro se access to the appellate record. By letter dated January 17, 2020, this Court notified appellant of his right to file his own brief or response by February 18, 2020, if he wished to do so. On February 3, 2020, he filed a pro se response.

In compliance with the principles enunciated in *Anders*, appellate counsel discussed potential areas for appeal. Those areas included summaries concerning (1) jurisdiction, (2) pre-trial matters, (3) jury selection, (4) sufficiency of the evidence, and (5) effective assistance of counsel. Ultimately, counsel concluded that none of the foregoing topics presented any arguable issues on appeal. We conducted our own review of the record to assess the accuracy of counsel's conclusions and to uncover arguable error pursuant to *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008), and *Stafford v. State*, 813 S.W.2d 503, 508 (Tex. Crim. App. 1991) (en banc). Included in that review

¹ Because this appeal was transferred from the Third Court of Appeals, we are obligated to apply its precedent when available in the event of a conflict between the precedents of that court and this Court. See TEX. R. APP. P. 41.3.

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

was our consideration of arguments raised within appellant's pro se response. We found no issues of arguable merit.

Accordingly, counsel's motion to withdraw is granted, and the judgment is affirmed.³

Per Curiam

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³ Appellant has the right to file a petition for discretionary review with the Court of Criminal Appeals.