

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-14-00064-CR
NO. 03-14-00065-CR**

Julie Ann Martinez, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 391ST JUDICIAL DISTRICT
NOS. D-09-0032-SA & D-13-0127-SB
HONORABLE THOMAS J. GOSSETT, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Julie Ann Martinez was charged in 2009 with the offense of forgery of a financial instrument. *See* Tex. Penal Code § 32.21(d). Appellant pleaded guilty and was placed on deferred adjudication probation for three years, along with imposition of a fine and restitution. Appellant's probation was twice extended before the State filed a motion to revoke deferred adjudication and to proceed to adjudicate guilt. This case was heard in conjunction with a new charge against appellant for state jail felony theft. Appellant entered a guilty plea to the new theft charge and pleaded true to six of the seven allegations in the motion to adjudicate guilt. After a bench trial, the trial court sentenced appellant to 545 days in the State Jail Division of the Texas Department of Criminal Justice.

Appellant's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeals are frivolous and without merit. The brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See Anders v. California*, 386 U.S. 738, 744 (1967); *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also Penson v. Ohio*, 488 U.S. 75, 86–87 (1988).

Appellant's counsel has represented to the Court that he has provided copies of the motion and brief to the appellant; advised appellant of her right to examine the appellate record, file a pro se brief, and pursue discretionary review following dismissal of this appeal as frivolous; and provided appellant with a form motion for pro se access to the appellate record along with the mailing address of this Court. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014); *see also Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. We have not received a pro se brief from the appellant.

We have conducted an independent review of the record, including appellate counsel's brief, and find no reversible error. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766; *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). We agree with counsel that the record presents no arguably meritorious grounds for review and the appeals are frivolous.

Counsel's motion to withdraw is granted. The judgments of conviction are affirmed.

Scott K. Field, Justice

Before Chief Justice Rose, Justices Goodwin and Field

Affirmed

Filed: February 27, 2015

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