

COURT OF APPEALS  
EIGHTH DISTRICT OF TEXAS  
EL PASO, TEXAS

RUBEN ORTIZ,	§	No. 08-07-00045-CR
Appellant,	§	Appeal from the
v.	§	409th District Court
THE STATE OF TEXAS,	§	of El Paso County, Texas
Appellee.	§	(TC# 20060D03406)
	§	

**OPINION**

This is an appeal from a jury conviction for the offense of family-violence assault, enhanced to a felony offense by the allegation of a prior conviction for family-violence assault. At the punishment stage of trial, Appellant pleaded true to an enhancement paragraph which alleged a prior felony conviction for possession of a controlled substance. The jury assessed punishment at thirteen years' imprisonment. We affirm.

Appellant's court-appointed counsel has filed a brief in which she has concluded that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), by presenting a professional evaluation of the record, demonstrating why, in effect, there are no arguable grounds to be advanced. See *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). A copy of counsel's brief and the appellate record were delivered to Appellant, and Appellant was advised of his right to file a *pro se* brief. Appellant did

file a *pro se* brief, and the State has filed a reply brief.

The Court of Criminal Appeals directs that we not address the merits of issues raised in *Anders* briefs or in *pro se* responses thereto. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We may only determine (1) that the appeal is wholly frivolous and issue an opinion explaining that we have reviewed the record and find no reversible error; or (2) that arguable grounds for appeal exist and remand the cause to the trial court, so that new counsel may be appointed to brief the issues. *Id.*

We have carefully reviewed the record and counsel's brief and agree that the appeal is wholly frivolous and without merit. Further, we find nothing in the record that might arguably support the appeal.

The judgment is affirmed.

KENNETH R. CARR, Justice

September 11, 2008

Before Chew, C.J., McClure, and Carr, JJ.

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