



COURT OF APPEALS
EIGHTH DISTRICT OF TEXAS
EL PASO, TEXAS

HOWARD RODRIGUEZ, JR.,	§	No. 08-14-00284-CR
	§	
Appellant,	§	Appeal from the
	§	
V.	§	143rd District Court
	§	
THE STATE OF TEXAS,	§	of Reeves County, Texas
	§	(TC# 13-02-07753-CRR)
	§	
Appellee.	§	

OPINION

Howard Rodriguez, Jr. appeals the trial court's judgment adjudicating his guilt of injury to an elderly individual. Appellant entered a guilty plea in 2013 and the trial court placed him on deferred adjudication community supervision for three years. The State filed a motion to adjudicate alleging multiple violations. Appellant entered a plea of true to one of the allegations. After hearing the evidence, the trial court found all of the allegations true, adjudicated Appellant guilty of injury to an elderly individual, and assessed his punishment at imprisonment for a term of seven years. We affirm.

FRIVOLOUS APPEAL

Appellant's court-appointed counsel has filed a brief in which he 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, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. See *In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex.Crim.App. 2008)(“In Texas, an *Anders* brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.”); *High v. State*, 573 S.W.2d 807 (Tex.Crim.App. 1978). Counsel has certified to the Court that he delivered to Appellant a copy of counsel’s brief, the motion to withdraw, and a motion for pro se access to the appellate record. *Kelly v. State*, 436 S.W.3d 313, 318-20 (Tex.Crim.App. 2014)(setting forth duties of counsel). Further, counsel certified that he has advised Appellant of his right to file a *pro se* brief and to seek discretionary review. *Id.* Appellant has not requested access to the appellate record and he has not filed a *pro se* brief.

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. Accordingly, we affirm the judgment of the trial court.

September 25, 2015

YVONNE T. RODRIGUEZ, Justice

Before McClure, C.J., Rodriguez, and Hughes, JJ.

(Do Not Publish)