

*Court of Appeals*  
*Fourth Court of Appeals District of Texas*  
*San Antonio*



**MEMORANDUM OPINION**

No. 04-07-00681-CR

Lawrence **GARZA**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 227th Judicial District Court, Bexar County, Texas  
Trial Court No. 2003-CR-1569  
Honorable Philip A. Kazen, Jr., Judge Presiding

Opinion by: Rebecca Simmons, Justice

Sitting: Karen Angelini, Justice  
Rebecca Simmons, Justice  
Steven C. Hilbig, Justice

Delivered and Filed: December 31, 2008

**DISPOSITION**

**AFFIRMED**

On July 28, 2003, Appellant Lawrence Garza entered into a plea agreement on the enhanced state jail felony of theft. The trial court elected not to follow the State's recommendation and assessed punishment at five years confinement in the Institutional Division of the Texas Department of Criminal Justice and suspended and probated the sentence for a

period of five years. Because he did not follow the plea agreement, Garza was given the option to withdraw his plea. He chose not to do so and instead to accept the punishment assessed by the trial court. On September 11, 2007, Appellant Lawrence Garza entered a plea of true to the State's motion to revoke his community supervision. The trial court assessed punishment at four years confinement in accordance with the State's recommendation.

Garza's court-appointed attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel concludes that the appeal has no merit. Counsel provided Garza with a copy of the brief and informed him of his right to review the record and file his own brief. See *Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Jimenez did not file a pro se brief.

After reviewing the record and counsel's brief, we agree that the appeal is frivolous and without merit. See *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005) (noting court of appeals should not address merits of issues raised in *Anders* brief or pro se response but should only determine if the appeal is frivolous). The judgment of the trial court is affirmed. Appellate counsel's motion to withdraw is granted. *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1.

Rebecca Simmons, Justice

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