

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

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**MEMORANDUM OPINION**

No. 04-07-00764-CR

Roy **VILLEGAS**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 144th Judicial District Court, Bexar County, Texas  
Trial Court No. 2006-CR-7197  
Honorable Catherine Torres-Stahl, Judge Presiding

Opinion by: Catherine Stone, Justice

Sitting: Alma L. López, Chief Justice  
Catherine Stone, Justice  
Santee Bryan Marion, Justice

Delivered and Filed: September 10, 2008

**AFFIRMED**

A jury found Roy Villegas guilty of possession of a controlled substance, heroin, in an amount of at least one gram but less than four grams. The trial court sentenced Villegas as a habitual offender to fifty years of confinement in the Texas Department of Criminal Justice, Institutional Division. We affirm.

Villegas's court-appointed appellate attorney filed a brief containing a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. Counsel concludes that the appeal is without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967).

A copy of counsel's brief was delivered to Villegas, who was advised of his right to examine the record and to file a pro se brief. No pro se brief has been filed. After reviewing the record, we agree that the appeal is frivolous and without merit. The judgment of the trial court is therefore affirmed. Furthermore, we grant counsel's motion to withdraw. *Nichols v. State*, 954 S.W.2d 83, 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.).

Catherine Stone, Justice

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