

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



MEMORANDUM OPINION

No. 04-08-00031-CR

Jacob **SCHWEM-CASEY**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the County Court at Law No. 7, Bexar County, Texas
Trial Court No. 217032
Honorable Monica Guerrero, Judge Presiding

Opinion by: Rebecca Simmons, Justice

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Rebecca Simmons, Justice

Delivered and Filed: December 3, 2008

AFFIRMED

After entering a plea of not guilty, on October 3, 2007, Appellant Jacob Schwem-Casey was found guilty by a jury for the offense of family violence-bodily injury. The trial court subsequently sentenced Schwem-Casey to one year confinement in the Bexar County Jail, suspended and probated for a term of two years and assessed a fine in the amount of \$4,000.00, of which \$3,500.00 was probated.

Schwem-Casey'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 Schwem-Casey 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.). Schwem-Casey 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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