

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



MEMORANDUM OPINION

No. 04-09-00782-CR

Beatriz **PEREZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 226th Judicial District Court, Bexar County, Texas
Trial Court No. 2004-CR-7657
Honorable Sid L. Harle, Judge Presiding

Opinion by: Karen Angelini, Justice

Sitting: Karen Angelini, Justice
Phylis J. Speedlin, Justice
Rebecca Simmons, Justice

Delivered and Filed: October 6, 2010

AFFIRMED

In accordance with a plea-bargain agreement, Beatriz Perez pled nolo contendere to aggravated assault with a deadly weapon and was placed on deferred adjudication community supervision for a period of ten years. Three years later, the State filed a motion to revoke Perez's community supervision and enter an adjudication of guilt, alleging that Perez had violated the terms of her community supervision by committing a new offense – murder. After Perez was found guilty of that murder and was sentenced to life imprisonment for that murder, the trial

court held a revocation hearing with respect to this case. The trial court found that Perez had violated the terms of her community supervision by committing murder. The trial court then revoked her community supervision, found her guilty of aggravated assault with a deadly weapon, and sentenced her to twenty years' imprisonment.

Perez timely filed a notice of appeal. Her court-appointed appellate attorney filed a brief in which she raises three arguable points of error, but nonetheless concludes that this appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). Counsel states that Perez was provided with a copy of the brief and motion to withdraw and was further informed of her right to review the record and file her own brief. *See Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Perez did not file a pro se brief.

We have reviewed the record and counsel's brief. We agree that the appeal is frivolous and without merit. The judgment of the trial court is affirmed. Furthermore, we grant the motion to withdraw. *See Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.); *Bruns*, 924 S.W.2d at 177 n.1.

No substitute counsel will be appointed. Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, she must either retain an attorney to file a petition for discretionary review or must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that is overruled by this court. *See TEX. R. APP. P.* 68.2. Any petition for discretionary review must be filed with this court, after which it will be forwarded to the Texas Court of Criminal Appeals along with the rest of the filings in this case.

See TEX. R. APP. P. 68.3. Any petition for discretionary review must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. TEX. R. APP. P. 68.4.

Karen Angelini, Justice

DO NOT PUBLISH