



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-12-00452-CR

Hector Augusto **GRAMAJO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2009CR9359
Honorable Mary D. Roman, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Sandee Bryan Marion, Justice
Rebeca C. Martinez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: December 11, 2013

MOTION TO WITHDRAW GRANTED; AFFIRMED

Hector Augusto Gramajo was convicted by a jury of intoxication manslaughter. The jury found Gramajo used or exhibited a deadly weapon during the commission of the offense and assessed punishment at nine years' imprisonment. The trial court ordered the sentence to run consecutively with the sentence imposed for an intoxication assault conviction tried at the same time. Gramajo timely appealed the trial court's judgment.

Gramajo's court-appointed appellate attorney filed a motion to withdraw and a brief in which she concluded this appeal is frivolous and without merit. The brief meets the requirements

of *Anders v. California*, 386 U.S. 738 (1967), *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Gramajo was provided a copy of the brief and motion to withdraw and was further informed of his right to review the record and file his own brief. Gramajo did not file a pro se brief.

After reviewing the record and counsel's brief, we find no reversible error and agree with counsel the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We therefore grant the motion to withdraw filed by Gramajo's counsel and affirm the trial court's judgment. *See id.*; *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.).¹

Luz Elena D. Chapa, Justice

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¹ No substitute counsel will be appointed. Should Gramajo wish to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days after either this opinion is rendered or the last timely motion for rehearing or motion for en banc reconsideration is overruled by this court. *See* Tex. R. App. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Court of Criminal Appeals. *See id.* R. 68.3. Any petition for discretionary review must comply with the requirements of rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.