



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-13-00510-CR

Juan **GARCIA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 227th Judicial District Court, Bexar County, Texas
Trial Court No. 2012CR1531
Honorable Philip A. Kazen, Jr., Judge Presiding

Opinion by: Sandee Bryan Marion, Justice

Sitting: Sandee Bryan Marion, Justice
Marialyn Barnard, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: September 10, 2014

AFFIRMED; MOTION TO WITHDRAW GRANTED

Following the denial of his motion to suppress, appellant pled no contest, pursuant to a plea bargain, to possession of a firearm (habitual). The trial court assessed punishment at twenty-five years' confinement. Appellant'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 the appeal is without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). Appellant was informed of his right to review the record and of his right to file a pro se brief. Appellant filed a pro se brief.

When an *Anders* brief and a subsequent pro se brief are filed, we may either (1) determine that the appeal is wholly frivolous and issue an opinion explaining that we have reviewed the record and find no reversible error, or (2) determine that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues. *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Here, we have reviewed the record, counsel's brief, appellant's pro se brief, and the case law on which appellant relies for his arguments. We conclude there is no reversible error and this appeal is wholly frivolous and without merit. Therefore, we affirm the trial court's judgment and grant appellate counsel's motion to withdraw.¹

Sandee Bryan Marion, Justice

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¹ No substitute counsel will be appointed. *See In re Schulman*, 252 S.W.3d 403, 408 n.22 (Tex. Crim. App. 2008). Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, appellant 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 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 comply with the requirements of Texas Rules of Appellate Procedure 68.4.