



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

Nos. 04-13-00727-CR & 04-13-00728-CR

Jerry Paul **ROSE**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 198th Judicial District Court, Kerr County, Texas  
Trial Court Nos. B09-410 & B09-540  
Honorable M. Rex Emerson, Judge Presiding

Opinion by: Catherine Stone, Chief Justice

Sitting: Catherine Stone, Chief Justice  
Santee Bryan Marion, Justice  
Marialyn Barnard, Justice

Delivered and Filed: July 9, 2014

**AFFIRMED**

In 2010, Jerry Paul Rose was placed on eight years deferred adjudication community supervision for aggravated assault with a deadly weapon and eight years community supervision for possession of a controlled substance in a drug-free zone. In 2013, Rose pled true to committing four additional criminal offenses among other violations of the terms of his community supervision. Rose's guilt was adjudicated, his community supervision was revoked, and he was sentenced to consecutive sentences of ten years and eight years imprisonment. Rose'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 appeals have no merit. Counsel provided Rose 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.). Rose did not file a *pro se* brief.

After reviewing the record and counsel's brief, we agree that the appeals are frivolous and without merit. The judgments of the trial court are affirmed. Appellate counsel's request to withdraw is granted. *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1. No substitute counsel will be appointed. Should Rose wish to seek further review of this case by the Texas Court of Criminal Appeals, Rose must either retain an attorney to file a petition for discretionary review or Rose must file a *pro se* petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the later of: (1) the date of this opinion; or (2) the date the last timely motion for rehearing is overruled by this court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed in the Texas Court of Criminal Appeals. See TEX. R. APP. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 68.4.

Catherine Stone, Chief Justice

DO NOT PUBLISH