



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00029-CR

Kimberly Ann **RANGEL**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 25th Judicial District Court, Guadalupe County, Texas
Trial Court No. 11-2315-CR
Honorable William D. Old, III, Judge Presiding

Opinion by: Rebeca C. Martinez, Justice

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice

Delivered and Filed: November 12, 2014

AFFIRMED; MOTION TO WITHDRAW GRANTED

Kimberly Ann Rangel pled guilty to forgery of a financial instrument and received deferred adjudication community supervision for a term of four years on March 20, 2012. On August 5, 2013, the State filed a motion to adjudicate guilt and revoke her community supervision alleging that Rangel had violated multiple conditions of her community supervision, including failing to report to her probation officer on ten separate occasions (Condition No. 6), failing to timely notify her probation officer of a change in her employment status (Condition No. 7), failing to obtain written permission before leaving Guadalupe County on two occasions (Condition No. 11), failing

to pay fines, costs and fees (Condition Nos. 12, 13 15, 16, 21), failing to timely notify her probation officer of a change in residence (Condition No. 20), failing to perform community service restitution hours as scheduled (Condition No. 24), and failing to enroll in assigned classes (Condition Nos. 28, 30). An amended motion filed by the State on October 17, 2013 alleged that Rangel also violated Condition No. 1 by committing the offense of assault/bodily injury—family. At the hearing, Rangel pled “true” to all of the alleged violations. The trial court adjudicated Rangel guilty and revoked her community supervision. The court sentenced Rangel to eighteen months’ imprisonment in a state jail facility and assessed \$245 in court costs. Rangel now appeals. We affirm the trial court’s judgment.

Rangel’s court-appointed appellate attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967), and a motion to withdraw. In the brief, counsel raises no arguable appellate issues, and concludes this appeal is frivolous and without merit. The brief meets the *Anders* requirements. *See id.*; *see also High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). As required, counsel provided Rangel with a copy of the brief and motion to withdraw, and informed her of her right to review the record and file her own *pro se* brief. *See Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.); *see also Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Rangel did not file a *pro se* brief.

After reviewing the record and counsel’s brief, we conclude there is no reversible error and agree with counsel that the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Accordingly, the judgment of the trial court is affirmed. *See id.* Appellate counsel’s motion 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 Rangel 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. *See* TEX. R. APP. P. 68.4.

Rebeca C. Martinez, Justice

DO NOT PUBLISH