



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-14-00432-CR

Otto Ray **KIETZMAN**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the Criminal District Court, Magistrate Court, Bexar County, Texas
Trial Court No. 2013W0631
Honorable Andrew Carruthers, Judge Presiding

Opinion by: Karen Angelini, Justice

Sitting: Karen Angelini, Justice
Santee Bryan Marion, Justice
Marialyn Barnard, Justice

Delivered and Filed: December 23, 2014

AFFIRMED

Otto Ray Kietzman appeals from an order denying his application for writ of habeas corpus challenging his extradition to Alabama. Kietzman's court-appointed counsel has filed a brief in which he examines the record and discusses potential issues but ultimately 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 Kietzman was provided with copies of the brief and the motion to withdraw, and was further informed of his right to review the record

and file his own brief. *See Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1997, no pet.). Kietzman has not filed a pro se brief.

We have reviewed the record and counsel's brief, and we agree that this appeal is frivolous and without merit. The judgment of the trial court is therefore 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 Kietzman 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 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.

Karen Angelini, Justice

DO NOT PUBLISH