



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-15-00807-CR

Mark Alan **WATSON**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 25th Judicial District Court, Guadalupe County, Texas
Trial Court No. 14-2380-CR-B
Honorable William Old, Judge Presiding

Opinion by: Irene Rios, Justice

Sitting: Karen Angelini, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: May 24, 2017

AFFIRMED

A jury found Mark Watson guilty of the offense of sexual assault of a child (incest). Based upon the jury's recommendation, the trial court sentenced Watson to life imprisonment. This appeal followed.

Watson's court-appointed attorney filed a brief representing that he conducted a professional evaluation of the record and determined there are no arguable grounds to be advanced on Watson's behalf. Counsel concluded this appeal is without merit. The brief meets the requirement of *Anders v. California*. See *Anders v. California*, 386 U.S. 738 (1967). Watson was

provided copies of counsel's brief and motion to withdraw and was informed of his right to review the record and file his own brief. *See Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014). Additionally, counsel advised Watson to file a motion in this court if he wished to review the appellate record and enclosed a form motion for that purpose. *See id.*; *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.). Thereafter, this court set deadlines for Watson to file any motion for the record and any pro se brief. Watson did not file a pro se brief.

Upon presentation of an *Anders* brief, the court of appeals has two choices. We may determine the appeal is wholly frivolous and issue an opinion explaining that we reviewed the record and found no reversible error, or we may determine that arguable grounds for appeal exist and remand the cause to the trial court so new counsel may be appointed to brief the issues. *Anders*, 386 U.S. at 744; *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005) (citing *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)). Only after the issues have been briefed by new counsel may the court of appeals address the merits of the issues raised. *Bledsoe*, 178 S.W.3d at 827.

After reviewing the record of the trial on the merits and counsel's *Anders* brief, we conclude there is no reversible error and agree this appeal is frivolous and without merit. *See id.* at 826-27.

Accordingly, the judgment of the trial court is affirmed, and appellate counsel's request to withdraw is granted.¹ *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1.

Irene Rios, Justice

DO NOT PUBLISH

¹ No substitute counsel will be appointed. Should Watson wish to seek further review of this case by the Texas Court of Criminal Appeals, Watson 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.