



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00601-CR

Robert **GARZA**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 112th Judicial District Court, Sutton County, Texas
Trial Court No. 2388
Honorable Pedro Gomez, Judge Presiding

Opinion by: Irene Rios, Justice

Sitting: Marialyn Barnard, Justice
Rebeca C. Martinez, Justice
Irene Rios, Justice

Delivered and Filed: November 8, 2017

AFFIRMED

On September 11, 2014, Robert Garza pleaded guilty to the offense of tampering with or fabricating physical evidence. The trial court assessed punishment at five years' imprisonment, suspended in favor of five years' community supervision, a \$1,000.00 fine, 160 hours community service, and court costs. On May 8, 2015, the State filed an amended motion to revoke Garza's community supervision. Following a revocation hearing during which Garza pleaded true to two allegations he committed new offenses, the trial court made a finding of true to four additional allegations. The trial court revoked Garza's community supervision and sentenced him to four

years' imprisonment. Because we conclude this appeal is frivolous and without merit, we affirm the trial court's judgment.

Garza's court-appointed appellate counsel filed a brief with this court representing that he conducted a professional evaluation of the record and determined there are no arguable grounds to be advanced on Garza's behalf. *See Anders v. California*, 386 U.S. 738, 744 (1967). With citations to the record and legal authority, counsel explains why he concluded the appeal is without merit. Counsel states he reviewed the indictment and evidence adduced at trial, as well as the record of the revocation hearing. The brief meets the requirements of *Anders* as it presents a professional evaluation showing why there is no basis to advance an appeal. *Id.* at 744–45; *Stafford v. State*, 813 S.W.2d 503, 509–10, 510 n.3 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978).

Counsel provided Garza with copies of counsel's *Anders* brief and motion to withdraw and informed Garza 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 Garza 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, we set deadlines for Garza to file any motion for the record and any *pro se* brief. Garza did not file a *pro se* brief.

After reviewing the record and counsel's *Anders* brief, we conclude there is no reversible error and agree this appeal is frivolous and without merit. 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 Garza wish to seek further review of this case by the Texas Court of Criminal Appeals, Garza must either retain an attorney to file a petition for discretionary review or Garza 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.