



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-16-00603-CR

Belinda **CISNEROS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 79th Judicial District Court, Brooks County, Texas
Trial Court No. 15-06-11022-CR
Honorable Richard C. Terrell, 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

Belinda Cisneros pleaded guilty to the offense of possession of a controlled substance, cocaine, with intent to deliver in an amount over 400 grams. The trial court assessed punishment at twenty years' imprisonment. Because we conclude this appeal is frivolous and without merit, we affirm the trial court's judgment.

Cisneros'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 Cisneros'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. 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 certifies he provided Cisneros with copies of counsel’s *Anders* brief and motion to withdraw and informed Cisneros of her right to review the record and file her own brief. *See Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014). Additionally, counsel advised Cisneros to file a motion in this court if she 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 Cisneros to file any motion for the record and any *pro se* brief. Cisneros 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 Cisneros wish to seek further review of this case by the Texas Court of Criminal Appeals, Cisneros must either retain an attorney to file a petition for discretionary review or Cisneros 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.