



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-18-00003-CR

Christine **RUSSELL**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 25th Judicial District Court, Guadalupe County, Texas  
Trial Court No. 11-0695-CR  
Honorable William Old, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

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

Delivered and Filed: October 17, 2018

**MOTION TO WITHDRAW GRANTED; AFFIRMED**

Christine Russell pled guilty to a charge of evading arrest or detention with a vehicle in exchange for the State's recommendation that adjudication be deferred. Pursuant to the plea agreement, the trial court deferred adjudication. The court placed Russell on community supervision for a period of five years and later extended the period for an additional eight months. The State filed a motion to adjudicate guilt, alleging Russell violated the conditions of her community supervision by (1) submitting a urine specimen that tested positive for methamphetamine, (2) failing to report as directed, and (3) failing to make supervisory fee payments as directed. Russell pled true to the allegations and signed a stipulation of facts and a

judicial confession. The trial court adjudicated Russell guilty and sentenced her to twenty-two months in a state jail facility. Russell timely filed a notice of appeal.

Russell's court-appointed appellate attorney filed a motion to withdraw and a brief in which he concludes this appeal is frivolous and without merit. The brief demonstrates a professional and thorough evaluation of the record and meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Counsel sent copies of the brief and motion to withdraw to Russell and informed her of her rights in compliance with the requirements of *Kelly v. State*, 436 S.W.3d 313 (2014). Counsel advised Russell of her right to review the appellate record and file a pro se brief. In addition, counsel advised appellant to file a motion in this court if she wished to review the appellate record and enclosed a form motion for that purpose. Appellant did not request access to the record. This court then set a deadline for Russell to file a pro se brief. No pro se brief has been filed.

After reviewing the record and counsel's brief, we find no arguable grounds for appeal exist and the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We therefore grant the motion to withdraw filed by Russell's counsel and affirm the trial court's judgment. *See id.*; *Nichols v. State*, 954 S.W.2d 83, 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.).<sup>1</sup>

Luz Elena D. Chapa, Justice

DO NOT PUBLISH

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<sup>1</sup> No substitute counsel will be appointed. Should Russell 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 file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days after either this opinion is rendered or the last timely motion for rehearing or motion for en banc reconsideration is overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Court of Criminal Appeals. *See id.* R. 68.3. Any petition for discretionary review must comply with the requirements of rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.