



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00337-CR

Erasmó **ALVAREZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 187th Judicial District Court, Bexar County, Texas
Trial Court No. 2015CR4559
Honorable Joey Contreras, Judge Presiding

Opinion by: Rebeca C. Martinez, Justice

Sitting: Rebeca C. Martinez, Justice
Irene Rios, Justice
Beth Watkins, Justice

Delivered and Filed: January 30, 2019

AFFIRMED

Erasmó Alvarez pleaded no contest to four separate offenses of credit/debit card abuse pursuant to a negotiated plea agreement. The trial court assessed punishment at 4 years' deferred adjudication community supervision and fined Alvarez \$1,000.00. Thereafter, the State filed a motion to adjudicate guilt and to revoke Alvarez's community supervision. During a revocation hearing held on March 21, 2018, Alvarez pleaded true to two allegations he violated the terms of his community supervision. The trial court revoked Alvarez's community supervision, adjudicated him guilty, and sentenced him to 18 months' imprisonment.

Alvarez's court-appointed attorney filed a brief containing a professional evaluation of the record in accordance with *Anders v. California*, 386 U.S. 738 (1967). Counsel concludes the appeal has no merit. Counsel provided Alvarez with a copy of the brief and informed him of his right to review the record and file his own brief. *See 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.). Alvarez did not file a *pro se* brief.

After reviewing the record and counsel's brief, we agree that the appeal is frivolous and without merit. The judgment of the trial court is affirmed. Appellate counsel's request to withdraw is granted. *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1. No substitute counsel will be appointed. Should Alvarez wish to seek further review of this case by the Texas Court of Criminal Appeals, Alvarez must either retain an attorney to file a petition for discretionary review or Alvarez 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.

Rebeca C. Martinez, Justice

Do not publish