



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

**MEMORANDUM OPINION**

No. 04-18-00504-CR

Shaelan Derek **RODGERS**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 452nd District Court, Kimble County, Texas  
Trial Court No. 2017-DCR-0796  
Honorable Robert Hofmann, Judge Presiding

Opinion by: Beth Watkins, Justice

Sitting: Rebeca C. Martinez, Justice  
Beth Watkins, Justice  
Liza A. Rodriguez, Justice

Delivered and Filed: July 3, 2019

**MOTION TO WITHDRAW GRANTED; AFFIRMED**

Shaelan Derek Rodgers entered an open plea of guilty to engaging in organized criminal activity, a first-degree felony and elected to have the trial court assess punishment. The trial court sentenced Rodgers to thirty-five years' confinement and assessed a \$10,000 fine.

Rodgers'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 Rodgers 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.). Rodgers did not file a pro se brief.

After reviewing the record and counsel's brief, we agree 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 Rodgers wish to seek further review of this case by the Texas Court of Criminal Appeals, Rodgers must either retain an attorney to file a petition for discretionary review or Rodgers 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 id.* R. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.

Beth Watkins, Justice

DO NOT PUBLISH