



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00512-CR

EX PARTE Steven ROBLES

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2015CR1302-W1
Honorable Catherine Torres-Stahl, Judge Presiding

Opinion by: Rebeca C. Martinez, Justice

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Irene Rios, Justice

Delivered and Filed: June 19, 2019

AFFIRMED

Appellant Steven Robles was indicted for felony assault family violence by strangulation. The trial court found Robles guilty and assessed punishment at ten years' confinement in the Institutional Division of the Texas Department of Criminal Justice, suspended and probated for a term of ten years, and a \$1,500 fine. Robles appealed. We affirmed the trial court's judgment and issued mandate in Cause No. 04-16-00434-CR. Robles filed a petition for discretionary review with the Texas Court of Criminal Appeals after we issued mandate. The Texas Court of Criminal Appeals notified Robles that no action would be taken on the petition because the petition was untimely. Robles then filed a petition for writ of mandamus, which we denied in Cause No. 04-18-00160-CR. Robles also filed a writ of habeas corpus with the trial court, and the trial court denied the writ. Robles now appeals from the trial court's order denying his writ of habeas corpus.

Robles'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), and a motion to withdraw. Counsel concludes that the appeal has no merit. Counsel provided Robles with a copy of the brief and informed him of his right to review the record and to file his own brief. *See Kelly v. State*, 436 S.W.3d 313, 319 (Tex. Crim. App. 2014); *see also 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.). Robles filed a *pro se* brief and objections to his attorney's motion to withdraw.

After reviewing the record, counsel's brief, and Robles's *pro se* brief and objections, we agree that the appeal is frivolous and without merit. The judgment of the trial court is affirmed. Appellate counsel's motion 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 Robles wish to seek further review of this case by the Texas Court of Criminal Appeals, Robles must either retain an attorney to file a petition for discretionary review or Robles 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 or en banc reconsideration 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

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