



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

Nos. 04-18-00889-CR & 04-18-00890-CR

Sergio **MARTINEZ**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court Nos. 2015CR10879 & 2015CR10880
Honorable Melisa C. Skinner, Judge Presiding

Opinion by: Beth Watkins, Justice

Sitting: Patricia O. Alvarez, Justice
Irene Rios, Justice
Beth Watkins, Justice

Delivered and Filed: October 30, 2019

MOTION TO WITHDRAW GRANTED; AFFIRMED

Sergio Martinez pled guilty to possession of a controlled substance and evading detention. The trial court deferred a finding of guilt, suspended Martinez's sentence, placed him on community supervision for eight years, and assessed a fine of \$2000. The State later moved to revoke Martinez's community supervision on multiple grounds. At a hearing on the motion to revoke, appellant pled "true" to violating two of the conditions of his community supervision. The trial court then revoked Martinez's community supervision, adjudicated him guilty, sentenced him to concurrent terms of four years' confinement on each count, and assessed a fine of \$2000.

Martinez'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 Martinez 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.).

After reviewing the record and briefs, 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 Martinez wish to seek further review of this case by the Texas Court of Criminal Appeals, Martinez must either retain an attorney to file a petition for discretionary review or Martinez 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