

## Fourth Court of Appeals San Antonio, Texas

## **MEMORANDUM OPINION**

No. 04-19-00359-CR

Laura Flores MESSICK, Appellant

v.

The **STATE** of Texas, Appellee

From the 175th Judicial District Court, Bexar County, Texas Trial Court No. 2017-CR-11174 Honorable Catherine Torres-Stahl, Judge Presiding

Opinion by: Patricia O. Alvarez, Justice

Sitting: Sandee Bryan Marion, Chief Justice Patricia O. Alvarez, Justice Liza A. Rodriguez, Justice

Delivered and Filed: July 29, 2020

## AFFIRMED

Appellant Laura Flores Messick was charged with murder. Following a jury trial, Messick

was convicted and sentenced to life in prison.

Messick's court-appointed appellate attorney filed a motion to withdraw and a brief in which she raises no arguable issues and concludes the appeal is without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978), and *In re N.F.M.*, No. 04-18-00475-CV, 2018 WL 6624409 (Tex. App.—San Antonio Dec. 19, 2018, no pet.) (en banc). Counsel provided proof Messick was given: (1) a copy

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of the brief, (2) a copy of the motion to withdraw, and (3) a motion to allow her to request the appellate record. Counsel also informed Messick of her right to file her own brief. Messick sent a letter on her own behalf complaining of ineffective assistance of trial counsel.

When an *Anders* brief and a subsequent pro se brief are filed, we must review the entire record and: (1) determine the appeal is without merit and issue an opinion stating there is no reversible error, or (2) determine there are arguable grounds for appeal and issue an opinion remanding the cause to the trial court for appointment of new appellate counsel. *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009) (citing *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (holding court of appeals may address merits of issues raised by pro se only after any arguable grounds have been briefed by new appointed counsel)).

We have carefully reviewed the record, counsel's brief, and Messick's letter. We find no reversible error and agree with counsel the appeal is without merit. *See id*. We therefore grant the motion to withdraw filed by Messick's appointed 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.).

No substitute counsel will be appointed. Should Messick wish to seek further review of this case in 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 the day our judgment is rendered or the day the last timely motion for rehearing or timely 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 Texas 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.

Patricia O. Alvarez, Justice

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