



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00470-CR

Bryan **HOLCOMBE**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 218th Judicial District Court, Wilson County, Texas
Trial Court No. 10-09-132-CRW
Honorable Russell Wilson, Judge Presiding

Opinion by: Liza A. Rodriguez, Justice

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

Delivered and Filed: May 13, 2020

AFFIRMED

On November 23, 2010, Bryan Holcombe pled nolo contendere to robbery and, pursuant to a plea-bargain agreement, was placed on deferred adjudication community supervision for ten years. On May 15, 2019, the State moved to adjudicate guilt based on alleged violations of the terms of his community supervision, and on June 4, 2019, the State filed an amended motion to adjudicate guilt. Holcombe and the State then entered into an agreement where Holcombe agreed to enter a plea of true to having used marijuana in violation of the terms of his community supervision, and the parties agreed to leave sentencing to the trial court's discretion. After an

evidentiary hearing, the trial court found that Holcombe had violated the terms of his community supervision, adjudicated his guilt, and sentenced him to five years of imprisonment. Holcombe then filed a notice of appeal.

Holcombe's court-appointed appellate counsel has filed a brief and motion to withdraw in accordance with *Anders v. California*, 386 U.S. 738 (1967). With citations to the record and legal authority, counsel's brief explains why no arguable points of error exist for review and concludes that this appeal is frivolous and without merit. *See id.* at 744-45; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). The brief meets the requirements of *Anders* as it presents a professional evaluation showing why there is no basis to advance an appeal. *See Anders*, 386 U.S. at 744-45; *High*, 573 S.W.2d at 812-13. Counsel states that Holcombe was provided with a copy of the brief, motion to withdraw, and appellate record. *See Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014). Holcombe was further informed of his right to review the record and file his own brief. *See id.* Holcombe did not file a pro se brief.

We have reviewed the record and counsel's brief. We agree that the appeal is frivolous and without merit. The judgment of the trial court is affirmed. Furthermore, we grant the motion to withdraw. *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.).

No substitute counsel will be appointed. Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, he 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 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.

Liza A. Rodriguez, Justice

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