



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00782-CR

Dustin Allen **ECKOLS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 25th Judicial District Court, Guadalupe County, Texas
Trial Court No. 18-2282-CR-C
Honorable Gary L. Steel, Judge Presiding

Opinion by: Rebeca C. Martinez, Justice

Sitting: Rebeca C. Martinez, Justice
Patricia O. Alvarez, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: October 7, 2020

AFFIRMED; MOTION TO WITHDRAW GRANTED

Appellant Dustin Allen Eckols filed a pretrial motion to suppress, which the trial court denied. He, thereafter, entered into a plea agreement, in which he preserved his right to appeal the denial of his motion to suppress. Pursuant to the plea agreement, the trial court convicted Eckols of the second degree felony offense of unlawful possession of a firearm by a felon and sentenced Eckols to ten years' imprisonment. *See* TEX. PENAL CODE ANN. § 46.04. Eckols now appeals.

Eckols'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 Eckols with a copy of the brief, the motion to withdraw, and the appellate record and informed Eckols 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.) (per curiam); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). Eckols thereafter filed a *pro se* brief. After reviewing the record, counsel’s brief, Eckols’s *pro se* brief, and the State’s brief, we conclude there is no reversible error and agree with counsel that the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). Accordingly, the judgment of the trial court is affirmed, and appellate counsel’s motion to withdraw is granted.¹ *See Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1.

Rebeca C. Martinez, Justice

DO NOT PUBLISH

¹ No substitute counsel will be appointed. Should Eckols 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 must file a *pro se* petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that is overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed in the Court of Criminal Appeals, *see id.* R. 68.3, and any such petition must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.