



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-20-00130-CR

Reynaldo **MARTINEZ**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 399th Judicial District Court, Bexar County, Texas  
Trial Court No. 2018CR12156W  
Honorable Frank J. Castro, Judge Presiding

Opinion by: Liza A. Rodriguez, Justice

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

Delivered and Filed: November 25, 2020

**AFFIRMED; MOTION TO WITHDRAW GRANTED**

Reynaldo Martinez pled guilty to the offense of assault-family (choking/strangulation). *See* TEX. PENAL CODE ANN. § 22.01(b). The trial court accepted Martinez's plea and placed him on deferred adjudication community supervision for a period of three years. The State subsequently filed a motion to enter adjudication of guilt and revoke Martinez's deferred adjudication community supervision. Martinez pled true to two alleged violations of his community supervision. The trial court revoked Martinez's community supervision, adjudicated him guilty of assault-family violence, and sentenced him to serve three years' confinement in the

Texas Department of Criminal Justice Institutional Division and assessed a \$1,500 fine plus court costs. Martinez appealed.

Martinez's court-appointed appellate 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. In the brief, counsel raises no arguable appellate issues, and concludes this appeal is frivolous and without merit. The brief meets the *Anders* requirements. *See id.*; *see also High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). As required, counsel provided Martinez with a copy of the brief and motion to withdraw and informed him of the right to receive a copy of the appellate record and to file his own *pro se* 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.). Martinez did not file a *pro se* brief. After reviewing the appellate record and counsel'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.<sup>1</sup> *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177.

Liza A. Rodriguez, Justice

DO NOT PUBLISH

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<sup>1</sup> No substitute counsel will be appointed. Should Martinez 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* TEX. R. APP. P. 68.3. Any petition for discretionary review must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4.