



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00578-CR

Juan **ESCALANTE-AVALOS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 81st Judicial District Court, Karnes County, Texas
Trial Court No. 17-01-00005-CRK
Honorable Russell Wilson, Judge Presiding

Opinion by: Lori I. Valenzuela, Justice

Sitting: Rebeca C. Martinez, Chief Justice
Luz Elena D. Chapa, Justice
Lori I. Valenzuela, Justice

Delivered and Filed: March 3, 2021

AFFIRMED

Appellant, Juan Escalante-Avalos, pled nolo contendere to aggravated sexual assault of a child and was sentenced to twelve years' confinement.

The court-appointed appellate attorney for Escalante-Avalos filed a motion to withdraw and a brief in which he concludes this appeal is frivolous and without merit. The brief demonstrates a professional and thorough evaluation of the record and meets the requirements of *Anders v. California*, 87 S. Ct. 1396 (1967) and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). Counsel sent copies of the brief and motion to withdraw to Escalante-Avalos, informed him of his

rights in compliance with the requirements of *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014), and provided a copy of the appellate record. *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.). This court notified Escalante-Avalos of the deadline to file a pro se brief. Escalante-Avalos did not file a pro se brief.

We have thoroughly reviewed the record and counsel's brief. We find no arguable grounds for appeal exist and have decided the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We therefore grant the motion to withdraw filed by appointed counsel and affirm the trial court's judgment. *See id.*; *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1.

No substitute counsel will be appointed. Should Escalante-Avalos 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*.

Lori I. Valenzuela, Justice

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