



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00685-CR

Dennis **AVELAR-SOLORANO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2019CR0605
Honorable Laura Parker, Judge Presiding

Opinion by: Patricia O. Alvarez, Justice

Sitting: Patricia O. Alvarez, Justice
Irene Rios, Justice
Beth Watkins, Justice

Delivered and Filed: July 14, 2021

AFFIRMED

Appellant Dennis Avelar-Solorano was charged with aggravated assault with a deadly weapon, a felony. Upon being convicted in a jury trial, Avelar-Solorano was sentenced to three years in prison.

Avelar-Solorano's court-appointed appellate attorney filed a motion to withdraw and a brief in which he 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), and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). Counsel certified that Avelar-Solorano was sent: (1) a copy

of the brief, (2) a copy of the motion to withdraw, and (3) a motion to allow him to request the appellate record. Counsel also certified that he informed Avelar-Solorano of his right to file his own brief.

On September 1, 2020, this court issued an order advising Appellant the manner in which he could access the appellate record. The order advised Appellant that if he desired to file a pro se brief, the brief was due no later than forty-five days from the date of the order. The order was sent to Appellant at the Texas Department of Criminal Justice where he was sentenced to serve three years. The order was returned as undeliverable. A second copy of the order was sent to an alternative address supplied by defense counsel, which was the address of the Honduran Consulate in Houston, Texas. That order was also returned as undeliverable. This court knows of no other address at which Appellant can be contacted. Appellant did not file a pro se brief.

“It is an appellant’s duty to keep his counsel and the Court apprised of his location.” *Lopez v. State*, 283 S.W.3d 479, 481 (Tex. App.—Texarkana 2009, no pet.) (citing *In re Schulman*, 252 S.W.3d 403, 408–09 n.22 (Tex. Crim. App. 2008)). In this case, it does not appear that Appellant has kept his counsel informed of his current whereabouts. Nevertheless, we have independently reviewed the record and agree that the appeal is frivolous with no arguable issue warranting reversal. *See id.* (citing *Torres v. State*, 271 S.W.3d 872 (Tex. App.—Amarillo 2008, no pet.)); *see also Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991) (requiring us to conduct an independent review). Accordingly, we grant counsel’s motion to withdraw and affirm the trial court’s judgment. *See Zuniga v. State*, No. 04-14-00135-CR, 2014 WL 5020140, at *1 (Tex. App.—San Antonio Oct. 8, 2014, no pet.) (citing *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005); *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.)).

No substitute counsel will be appointed. Should Avelar-Solorano wish to seek further review of this case in 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 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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