



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

**MEMORANDUM OPINION**

Nos. 04-20-00205-CR, 04-20-00206-CR, 04-20-00207-CR

Jacob Charles **SMITH**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 451st Judicial District Court, Kendall County, Texas  
Trial Court Nos. 6596, 6597, 6598  
Honorable Stephen B. Ables, Judge Presiding

Opinion by: Beth Watkins, Justice

Sitting: Irene Rios, Justice  
Beth Watkins, Justice  
Lori I. Valenzuela, Justice

Delivered and Filed: November 3, 2021

**MOTION TO WITHDRAW GRANTED; AFFIRMED**

Appellant Jacob Charles Smith entered a plea of guilty to possession of an illegal weapon, and not guilty to two counts of aggravated assault of a public servant with a deadly weapon. A jury convicted him of all three counts and sentenced him to ten years on the possession count and ninety-nine years on each of the assault counts.

Smith'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). Counsel concludes the appeal has no merit. Counsel provided Smith with a copy of the brief and informed him of his right to

review the record and file his own brief. *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.). Smith did not file a pro se brief.

After reviewing the record and counsel’s brief, we agree the appeal is frivolous and without merit. The judgment of the trial court is affirmed. Appellate counsel’s request to withdraw is granted. *Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1. No substitute counsel will be appointed. Should Smith 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 he must 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 id.* R. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.

Beth Watkins, Justice

DO NOT PUBLISH