



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

**MEMORANDUM OPINION**

No. 04-20-00358-CR

Ernest **GONZALES**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 81st Judicial District Court, Atascosa County, Texas  
Trial Court No. 18-05-0171-CRA  
Honorable Lynn Ellison, Judge Presiding

Opinion by: Lori I. Valenzuela, Justice

Sitting: Patricia O. Alvarez, Justice  
Luz Elena D. Chapa, Justice  
Lori I. Valenzuela, Justice

Delivered and Filed: June 23, 2021

**AFFIRMED, MOTION TO WITHDRAW GRANTED**

A jury convicted appellant, Ernest Gonzales, of one count of aggravated sexual assault of a child and two counts of indecency with a child by sexual contact. The trial court sentenced Gonzales to thirty-five years' confinement for aggravated sexual assault of a child and twenty years' confinement for each count of indecency with a child by sexual contact, with the sentences to run concurrently.

The court-appointed appellate attorney for Gonzales 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 Gonzales, 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 Gonzales of the deadline to file a pro se brief. Gonzales 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 Gonzales 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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