



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00419-CR

Mindy Star **ALFARO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th Judicial District Court, Bexar County, Texas
Trial Court No. 2018CR8159
Honorable Jennifer Pena, Judge Presiding

Opinion by: Rebeca C. Martinez, Chief Justice

Sitting: Rebeca C. Martinez, Chief Justice
Irene Rios, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: May 12, 2021

AFFIRMED; MOTION TO WITHDRAW GRANTED

Appellant Mindy Star Alfaro pled nolo contendere to the state jail felony offense of possession of less than one gram of a penalty group one controlled substance. *See* TEX. HEALTH & SAFETY CODE ANN. §§ 481.102(1), 481.115(a), (b); TEX. PENAL CODE ANN. § 12.35. On February 21, 2019, the trial court ordered that adjudication of guilt be deferred, and it placed Alfaro on community supervision for three years. On August 8, 2019, the State filed a motion, seeking an adjudication of guilt and the revocation of Alfaro’s community supervision. On July 22, 2020, the trial court held a revocation hearing, at which Alfaro pled “true” to violating a condition of her community supervision. After receiving this plea, the trial court found Alfaro had violated a

condition of her community supervision and revoked Alfaro's community supervision. The trial court then adjudicated her guilty and assessed a sentence of a \$500 fine and incarceration for 180 days in state jail, crediting Alfaro for the time she had served while incarcerated on the charge. Alfaro now appeals.

Alfaro'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), and a motion to withdraw. Counsel concludes that the appeal has no merit. Counsel provided Alfaro with a copy of the brief and the motion to withdraw, informed Alfaro of her right to review the record and to file her own brief, and informed Alfaro how to obtain a copy of the record, providing her with a form motion for access to the appellate record. *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.) (per curiam); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). We issued an order setting a deadline for Alfaro to file a *pro se* brief. However, Alfaro did not request the appellate record or file a brief.

After reviewing the 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.¹ *See Nichols*, 954 S.W.2d at 86; *Bruns*, 924 S.W.2d at 177 n.1.

Rebeca C. Martinez, Chief Justice

DO NOT PUBLISH

¹ No substitute counsel will be appointed. Should Alfaro wish to seek further review of this case by the Texas Court of Criminal Appeals, she 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 id.* R. 68.3, and any such petition must comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.