



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-20-00588-CR

Gary Thomas **CRAYTON**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 379th Judicial District Court, Bexar County, Texas
Trial Court No. 2015CR9248
Honorable Ron Rangel, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Luz Elena D. Chapa, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: September 8, 2021

MOTION TO WITHDRAW GRANTED; AFFIRMED

Gary Thomas Crayton pled no contest to sexual assault of a child pursuant to a plea agreement with the State. On June 6, 2016, the trial court deferred adjudication and placed Crayton on community supervision for a period of five years. In October 2020, the State filed an amended motion to adjudicate guilt, alleging Crayton violated various conditions of his community supervision. At the subsequent hearing, Crayton pled true to the allegation that he tested positive for methamphetamines in violation of a condition of his community supervision. On October 29, 2020, the trial court adjudicated Crayton guilty and sentenced him to two years in prison, granting

Crayton credit for the time he had served. On November 30, 2020, the trial court signed a Judgment Nunc Pro Tunc that corrected a clerical error in the recitation of the time credited to Crayton in the judgment.

Crayton's court-appointed appellate attorney 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*, 386 U.S. 738 (1967), *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Counsel sent copies of the brief, the motion to withdraw, and the appellate record to Crayton, and informed Crayton of his rights in compliance with the requirements of *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014). This court then notified Crayton of the deadline for him to file a pro se brief. No pro se brief was filed.

We have thoroughly reviewed the record and counsel's brief, and we agree with counsel that no reversible error is shown by the record and 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 Crayton's counsel and affirm the trial court's judgment. *See id.*; *Nichols v. State*, 954 S.W.2d 83, 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.).¹

Luz Elena D. Chapa, Justice

DO NOT PUBLISH

¹ No substitute counsel will be appointed. Should Crayton 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 file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days after either this opinion is rendered or the last timely motion for rehearing or 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 Court of Criminal Appeals, *see id.* R. 68.3, and must comply with the requirements of rule 68.4 of the Texas Rules of Appellate Procedure.