

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00438-CR

RAMIRO NIETO REYES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 08-05094

MEMORANDUM OPINION

In this appeal, Ramiro Nieto Reyes's¹ appellate counsel filed a brief in which he contends that no arguable grounds can be advanced to support a decision reversing Reyes's manslaughter conviction. *See* Tex. Penal Code Ann. § 19.04 (West 2011). We have reviewed the record, and we agree with Reyes's counsel that

¹ The defendant is also known as Ramiro Nieto and Ramiro Reyes.

no arguable issues exist to support an appeal. *See Anders v. California*, 386 U.S. 738 (1967).

Pursuant to a plea agreement, Reyes pled guilty to manslaughter. At the conclusion of the hearing on his plea, the trial court deferred adjudication and placed Reyes on community supervision for ten years. Subsequently, the State filed a motion to revoke, alleging that Reyes had violated three conditions of the trial court's community supervision order. Reyes pled "true" to two of the alleged violations. After conducting a hearing on the State's motion to revoke, the trial court found that Reyes violated two of the conditions required of him by the trial court's community supervision order. Based on these findings, the trial court found Reyes guilty and sentenced him to seven years in prison. Subsequently, Reyes filed a timely notice of appeal.

In connection with Reyes's appeal, Reyes's appellate counsel filed a brief presenting counsel's professional evaluation of the record. In the brief, Reyes's counsel concludes that no arguable errors exist that would support the filing of a merits-based brief in the appeal. *See Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). After receiving the *Anders* brief, we granted an extension of time to allow Reyes an opportunity to file a *pro se* response. However, no response was filed.

After reviewing the appellate record and the *Anders* brief filed by Reyes's counsel, we agree with counsel's conclusions that an appeal on the current record would be frivolous. Therefore, we conclude it is not necessary to order that new counsel be appointed to re-brief the appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to appoint other counsel only if it determines that there were arguable grounds for the appeal). Given our conclusion that no arguable error exists to support Reyes's appeal, we affirm the trial court's judgment.²

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on August 1, 2016
Opinion Delivered February 15, 2017
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.

² Reyes may challenge our decision in the case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.