



**In The  
Court of Appeals  
Seventh District of Texas at Amarillo**

---

Nos. 07-17-00113-CR  
07-17-00114-CR  
07-17-00115-CR

---

**ERIC JAMES VELOZ, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

---

On Appeal from the 320th District Court  
Potter County, Texas  
Trial Court No. 72,223-D ; 72,225-D; 72,250-D Honorable Don R. Emerson, Presiding

---

June 5, 2018

**MEMORANDUM OPINION**

Before QUINN, C.J., and CAMPBELL and PARKER, JJ.

Appellant Eric James Veloz was indicted for five felony offenses. The State agreed to dismiss two of the charges in exchange for appellant's plea of guilty to the remaining three charges. After appellant pled guilty to each, the trial court held a consolidated punishment hearing. The trial court signed separate judgments for each of appellant's convictions. Appellant now appeals from his two convictions for the felony offense of

aggravated assault against a public servant<sup>1</sup> and his conviction for the felony offense of aggravated assault against a family or household member<sup>2</sup> and the resulting concurrent sentences of seventy years for each conviction. Appellant's appointed attorney has filed a motion to withdraw and a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008). Agreeing with counsel's conclusion the record does not show an arguably meritorious issue that could support the appeals, we will affirm the trial court's judgments.

The household member victim, his father, two police officers, appellant and appellant's mother testified at the punishment hearing. Evidence showed appellant and the victim lived together in the same apartment. In May 2016, appellant shot the victim three times, inflicting permanent injuries. When police officers responded, appellant pointed the gun at them while they attempted to detain him. Appellant attributed his actions to depression, his heavy drinking and drug use.

Appellant's counsel on appeal expresses his opinion in the *Anders* brief that nothing in the record establishes reversible error and the appeals are frivolous. The brief discusses the case background for each cause and the evidence presented. Counsel discusses grounds of potential error but concludes the trial court did not err. Counsel has demonstrated that he has provided to appellant a copy of the brief, the motion to withdraw, and the clerk's and reporter's records, and has notified him of his right to file a *pro se* response to the brief. *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); *In re*

---

<sup>1</sup> TEX. PENAL CODE ANN. § 22.02(b)(2)(B) (West 2018).

<sup>2</sup> TEX. PENAL CODE ANN. § 22.02(b)(1) (West 2018).

*Schulman*, 252 S.W.3d at 408. He also notified appellant of his right to file a petition for discretionary review if this Court affirms the trial court's judgments. *In re Schulman*, 252 S.W.3d at 408. By letter, this Court also notified appellant of his opportunity to submit a response to the *Anders* brief and motion to withdraw filed by his counsel. Appellant did not file a response.

In conformity with the standards set out by the United States Supreme Court, we do not rule on the motion to withdraw until we have independently examined the record. *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.). If we determine the appeal arguably has merit, we remand it to the trial court for appointment of new counsel. *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

Accordingly, we have reviewed the entire record. Our review satisfies us that appellate counsel conducted the required evaluation of the record. We also have made an independent examination of the record to determine whether there are any arguable grounds which might support the appeal in any of the causes. We agree it presents no arguably meritorious grounds for review. Accordingly, we grant counsel's motion to withdraw in each case and affirm the judgments of the trial court.<sup>3</sup> TEX. R. APP. P. 43.2(b).

James T. Campbell  
Justice

Do not publish.

---

<sup>3</sup> Counsel shall, within five days after the opinion is handed down, send his client a copy of the opinion and judgment, along with notification of the defendant's right to file a *pro se* petition for discretionary review. TEX. R. APP. P. 48.4.