



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

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No. 07-21-00184-CR

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**FRANKIE LAREZ, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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On Appeal from the 137th District Court  
Lubbock County, Texas  
Trial Court No. 2018-414,821, Honorable John J. "Trey" McClendon III, Presiding

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August 11, 2022

**MEMORANDUM OPINION**

**Before QUINN, C.J., and PARKER and DOSS, JJ.**

Before the Court is a motion to withdraw supported by an *Anders* brief. Frankie Larez appeals his conviction after a jury found him guilty of a lesser-included offense of possession of a controlled substance. The trial court then found true two prior felony enhancements and sentenced appellant to thirty years in prison. His motion for new trial was denied, and Larez perfected an appeal.

Assigned appellate counsel for Larez filed an *Anders* brief and moved to withdraw.<sup>1</sup> In his brief, counsel certified that, after a diligent search of the record, the appeal is without merit. See *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (discussing purpose and procedure of filing an *Anders* brief). Accompanying the brief is a copy of a letter sent by counsel to Larez informing him of counsel's belief that there is no reversible error and of appellant's right to file a pro se response to the motion to withdraw and *Anders* brief. So too did counsel provide appellant with a copy of the appellate record. By letter dated May 16, 2022, this Court notified appellant of his right to file his own brief or response by June 15, 2022, if he wished to do so. Larez responded on June 22, 2022, with (1) his motion to stay the appeal for an indefinite period of time and (2) objections to the *Anders* brief filed by his counsel. Through the former, he said he needed opportunity to conduct research on various constitutional issues. Through the latter, he questioned counsel's representation of him and posed legal issues allegedly meriting attention on appeal. We denied his motion to indefinitely stay the appeal, but granted him an additional thirty days to file a further response. We also considered the argument within his objection to the *Anders* brief as a pro se response. Larez now has had more than five additional weeks to submit additional responses and arguments. None have been received. Nor has the Court received any other communication from him.

In compliance with the requirements of *Schulman* and *Anders*, appellate counsel discussed four potential grounds for appeal and explained why none provided an arguable issue meriting consideration on appeal. The grounds discussed were: (1) the

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<sup>1</sup> *Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

denied motion to suppress, (2) a denied challenge for cause during jury selection, (3) the jury charge, and (4) the right to a public trial.

Having conducted an independent review of the record to assess counsel's conclusions and uncover arguable issues pursuant to *In re Schulman*, 252 S.W.3d at 406 and *Stafford v. State*, 813 S.W.2d 503, 508 (Tex. Crim. App. 1991) (en banc), we arrive at the same conclusion as Larez's appellate attorney. There is no arguable issue meriting consideration on appeal.

We grant counsel's motion to withdraw and affirm the trial court's judgment. We further direct counsel to send Larez, within five days of this opinion, a copy of the opinion and judgment, along with notification of his right to file a pro se petition for discretionary review. See TEX. R. APP. P. 48.4. In ordering that such notice be afforded Larez, we are not requiring appellate counsel to advise or otherwise represent Larez should a petition for review be desired. See *In re Schulman*, 252 S.W.3d at 411 n.33.

Per Curiam

Do not publish.