



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-15-00150-CR

GERIMIE MILTION AGUILERA, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 124th District Court
Gregg County, Texas
Trial Court No. 42467-B

Before Morriss, C.J., Moseley and Burgess, JJ.
Memorandum Opinion by Chief Justice Morriss

MEMORANDUM OPINION

Gerimie Milton Aguilera pled guilty to driving while intoxicated, third or more, pursuant to a plea agreement. In accordance with the sentencing recommendations included in the plea agreement, the trial court sentenced Aguilera on May 23, 2013, to ten years' imprisonment, suspended that sentence, and placed Aguilera on five years' community supervision. Subsequently, in April 2015, the State moved to revoke Aguilera's community supervision, alleging that Aguilera had violated four conditions of his community supervision. Aguilera pled true to all four of the violations alleged by the State and, following the presentation of punishment evidence, the trial court sentenced Aguilera to ten years' incarceration. Aguilera appeals.

Aguilera's appellate attorney filed a brief setting out the procedural history of the case, summarizing the evidence elicited during the course of the trial court proceedings, and concluding that the appellate record presents no arguable grounds to be raised on appeal. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no plausible appellate issues to be advanced. *See Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

Counsel forwarded copies of his brief and motion to withdraw to Aguilera and informed him of his rights to review the appellate record and to file a pro se response to counsel's brief, should he so desire. Additionally, counsel provided Aguilera with a completed—lacking only

Aguilera's signature—motion for access to the appellate record and advised Aguilera that he need only sign the motion and mail it to this Court to obtain a paper copy of the record. We did not receive the signed motion from Aguilera. Further, we received neither a pro se response from Aguilera, nor a motion requesting an extension of time in which to file such a response.

We have determined that this appeal is wholly frivolous. We have independently reviewed the entire appellate record and, like counsel, have determined that no arguable issue supports an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). In the *Anders* context, once we determine that the appeal is without merit, we must affirm the trial court's judgment. *Id.*

We affirm the judgment of the trial court.¹

Josh R. Morriss, III
Chief Justice

Date Submitted: March 4, 2016
Date Decided: April 1, 2016

Do Not Publish

¹Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should Aguilera desire 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 (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.