

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

---

---

**NO. 03-15-00797-CR**

---

---

**Michael Rosario, Jr., Appellant**

**v.**

**The State of Texas, Appellee**

---

---

**FROM THE DISTRICT COURT OF BELL COUNTY, 264TH JUDICIAL DISTRICT  
NO. 74380, HONORABLE MARTHA J. TRUDO, JUDGE PRESIDING**

---

---

**MEMORANDUM OPINION**

A jury convicted Michael Rosario, Jr., of Assault on a Family/Household Member with a Previous Conviction. *See* Tex. Penal Code § 22.01(a)(1), (b)(2)(A). The trial court assessed punishment at nine years' imprisonment.

Rosario's appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 744 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See Penson v. Ohio*, 488 U.S. 75 (1988); *Anders*, 386 U.S. at 743–44; *Kelly v. State*, 436 S.W.3d 313, 318–19 (Tex. Crim. App. 2014). Rosario's attorney has represented to the Court that he provided copies of the motion and brief to Rosario; advised Rosario of his right to examine the appellate record, file a pro se brief, and pursue discretionary review following the resolution of the appeal in this Court; and provided

Rosario with a form motion for pro se access to the appellate record and the Court's mailing address. *See Kelly*, 436 S.W.3d at 319–21.

Rosario has filed a pro se brief. Rosario asserts the following claims in his brief: the State failed to disclose exculpatory evidence; the State failed to provide certain discovery; the district court improperly delayed trial after both sides announced ready, then thereafter improperly forced him to proceed to trial after he asserted he was not ready; the jury pool and, thus, jury, was contaminated; the district court improperly allowed State's counsel to misstate the law; the district court improperly allowed State's counsel to refer to Rosario's prior conviction for assault on a family member; various evidentiary errors, constitutional issues; and ineffective assistance of counsel.

We have independently reviewed the record, including the evidence presented to the jury, the procedures that were observed, appellate counsel's brief, and Rosario's pro se brief, and we have found nothing that might arguably support the appeal. *See Anders*, 386 U.S. at 744; *Garner v. State*, 300 S.W.3d 763, 766–67 (Tex. Crim. App. 2009). We agree with counsel that the appeal is frivolous and without merit. We grant counsel's motion to withdraw.

The judgment of conviction is affirmed.

---

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Goodwin and Bourland

Affirmed

Filed: August 31, 2016

Do Not Publish