

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

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**NO. 03-23-00232-CR**

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**Armando Napoles, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 22ND DISTRICT COURT OF HAYS COUNTY  
NO. CR-19-0547-A, THE HONORABLE R. BRUCE BOYER, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Armando Napoles was charged with the offense of continuous sexual abuse of a child. *See* Tex. Penal Code § 21.02. The indictment included an enhancement allegation alleging that Napoles had previously been convicted of the felony offense of sexual assault of a child. *See id.* § 22.011. Following a trial, the jury found Napoles guilty. The trial court found the enhancement allegation to be true and assessed his punishment at life imprisonment without the possibility of parole. *See id.* § 12.42(c); Tex. Gov't Code § 508.145(a). Napoles appealed his conviction.

Napoles's court-appointed attorney on appeal filed a motion to withdraw supported by an *Anders* brief contending that the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744-45 (1967). Napoles's court-appointed attorney's brief concluding that the appeal is frivolous and without merit meets the requirements of *Anders* by presenting a professional evaluation of the record and demonstrating that there are no arguable

grounds to be advanced. *See id.*; *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *see also Penson v. Ohio*, 488 U.S. 75, 81-82 (1988) (explaining that *Anders* briefs serve purpose of “assisting the court in determining both that counsel in fact conducted the required detailed review of the case and that the appeal is . . . frivolous”). Napoles’s counsel represented to the Court that he provided copies of the motion and brief to Napoles; advised Napoles 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 Napoles with a form motion for pro se access to the appellate record along with the mailing address of this Court. *See Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014). Napoles has not filed a pro se brief challenging his conviction, and the deadline for filing a pro se brief has expired.

We have independently reviewed the record and considered appellate counsel’s brief, and we have found nothing that might arguably support the appeal. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766. We agree with counsel that the appeal is frivolous and without merit. We grant counsel’s motion to withdraw and affirm the trial court’s judgment of conviction.

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Thomas J. Baker, Justice

Before Justices Baker, Triana, and Smith

Affirmed

Filed: December 8, 2023

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