

NO. 12-11-00012-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>ALFREDO SIERRA,</i> <i>APPELLANT</i>	§	<i>APPEAL FROM THE 114TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS,</i> <i>APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

MEMORANDUM OPINION
PER CURIAM

Alfredo Sierra appeals the revocation of his deferred adjudication community supervision, after which he was sentenced to imprisonment for thirty years for money laundering. Appellant’s counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Thereafter, Appellant filed a pro se brief. We affirm.

BACKGROUND

Appellant was charged by indictment with money laundering and pleaded “guilty.” The trial court deferred finding Appellant “guilty” and placed him on community supervision for ten years.

Subsequently, the State filed a motion to revoke Appellant’s community supervision alleging that Appellant had violated certain terms and conditions thereof. On December 13, 2010, a hearing was conducted on the State’s motion. At the conclusion of the hearing, the trial court found that Appellant had violated multiple terms and conditions of his community supervision as alleged in the State’s motion. Thereafter, the trial court revoked Appellant’s

community supervision, adjudicated him “guilty” of money laundering, and sentenced him to imprisonment for thirty years. This appeal followed.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

Appellant’s counsel filed a brief in compliance with *Anders v. California* and *Gainous v. State*. Appellant’s counsel states that he has diligently reviewed the appellate record and is of the opinion that the record reflects no reversible error and that there is no error upon which an appeal can be predicated. He further relates that he is well acquainted with the facts in this case. In compliance with *Anders*, *Gainous*, and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978), Appellant’s *Anders* brief presents a chronological summation of the procedural history of the case and further states that Appellant’s counsel is unable to raise any arguable issues for appeal.

Appellant subsequently filed a pro se brief in which he raised the following issue:

During the proceedings, it was becoming clear to Appellant that the investigation while establishing credible witnesses that even after my wife who has become legally married to now (former Ms. Alvarado) has attempted to correct the misinformation of the alleged assault Appellant[‘s] plea was a misdirection given to him by Appellant[‘s] counsel. Appellant [is] now under the second ineffective counsel who files an *Anders v. CA*. brief clearly stating that the charge is valid with imposed sentence of “thirty years” in spite of federal laws to constitute fair sentencing addressed in the [114th court] of Smith County by Appellant[‘s] counsel. . . . This matter was to raise “every issue” . . . to the final disposition [of] the case. Appellant [has] no prior prison convictions and the court[,] having ruled to such a sentence has denied the justice of fairness in it[s] judgment executed on Mr. Sierra even after the law change which execution of Appellant[‘s] sentence begin[,] which [constitutes] the amendment and statu[te] which by law governed the punishment range as well [carrying a] 2–20 yr. 2nd degree felony sentencing.

We have reviewed the record for reversible error and have found none. See *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

CONCLUSION

As required by *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991), Appellant’s counsel has moved for leave to withdraw. See also *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding). We carried the motion for consideration with the merits. Having done so and finding no reversible error, Appellant’s counsel’s motion for leave to withdraw is hereby *granted* and the trial court’s judgment is *affirmed*.

As a result of our disposition of this case, Appellant's counsel has a duty to, within five days of the date of this opinion, send a copy of the opinion and judgment to Appellant and advise him of his right to file a petition for discretionary review. *See* TEX. R. APP. P. 48.4; *In re Schulman*, 252 S.W.3d at 411 n.35. Should Appellant wish to seek review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review on his behalf or he must file a petition for discretionary review pro se. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk for the Texas Court of Criminal Appeals along with the rest of the filings in this case. *See* TEX. R. APP. P. 68.3(a). Any petition for discretionary review should comply with the requirements of Texas Rule of Appellate Procedure 68.4. *See In re Schulman*, 252 S.W.3d at 408 n.22.

Opinion delivered April 25, 2012.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)