



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-19-00357-CR

Marcus **IDROGO**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 81st Judicial District Court, Wilson County, Texas  
Trial Court No. 16-07-159-CRW  
Honorable Russell Wilson, Judge Presiding

Opinion by: Liza A. Rodriguez, Justice

Sitting: Sandee Bryan Marion, Chief Justice  
Patricia O. Alvarez, Justice  
Liza A. Rodriguez, Justice

Delivered and Filed: May 20, 2020

**AFFIRMED**

On October 30, 2018, Marcus Idrogo pled guilty to two counts of aggravated sexual assault of a child and, pursuant to a plea-bargain agreement, was placed on deferred adjudication community supervision for ten years. On February 5, 2019, the State moved to adjudicate guilt based on alleged violations of the terms of his community supervision. Idrogo entered an open plea of true to one of the alleged violations—failure to timely complete mandatory community service hours. After an evidentiary hearing, the trial court adjudicated Idrogo’s guilt and sentenced

him to two consecutive terms of imprisonment for thirty-five years. Idrogo then filed a notice of appeal.

Idrogo's court-appointed appellate counsel has filed a brief and motion to withdraw in accordance with *Anders v. California*, 386 U.S. 738 (1967). With citations to the record and legal authority, counsel's brief explains why no arguable points of error exist for review and concludes that this appeal is frivolous and without merit. *See id.* at 744-45; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). The brief meets the requirements of *Anders* as it presents a professional evaluation showing why there is no basis to advance an appeal. *See Anders*, 386 U.S. at 744-45; *High*, 573 S.W.2d at 812-13. Counsel states that Idrogo was provided with a copy of the brief and motion to withdraw, and was further informed of his right to review the record and file his own brief. *See Kelly v. State*, 436 S.W.3d 313, 319-20 (Tex. Crim. App. 2014). Additionally, counsel advised Idrogo that if he wished to review the record, he must file a motion in this court and enclosed a form motion for that purpose. *See id.* Idrogo did not file such a motion and did not file a pro se brief.

We have reviewed the record and counsel's brief. We agree that the appeal is frivolous and without merit. The judgment of the trial court is affirmed. Furthermore, we grant the motion to withdraw. *See Nichols v. State*, 954 S.W.2d 83, 85-86 (Tex. App.—San Antonio 1997, no pet.); *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.).

No substitute counsel will be appointed. Should appellant wish 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 must be filed within thirty days from the later of (1) the date of this opinion; or (2) the date the last timely motion for rehearing is overruled by this court. *See Tex. R. App. P. 68.2.* Any petition for discretionary review must be filed in the Texas Court of Criminal Appeals.

*See* Tex. R. App. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* Tex. R. App. P. 68.4.

Liza A. Rodriguez, Justice

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