



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00366-CR

April **OROSCO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 175th Judicial District Court, Bexar County, Texas
Trial Court No. 2017CR5505
Honorable Catherine Torres-Stahl, Judge Presiding

Opinion by: Luz Elena D. Chapa, Justice

Sitting: Luz Elena D. Chapa, Justice
Beth Watkins, Justice
Liza A. Rodriguez, Justice

Delivered and Filed: June 3, 2020

MOTION TO WITHDRAW GRANTED; AFFIRMED

April Orosco pled no contest to possession with intent to deliver a controlled substance as part of a plea agreement with the State. The trial court accepted the plea, granted Orosco's application for deferred adjudication, and, in accordance with the agreement, placed Orosco on community supervision for a period of five years. The State later filed a motion to adjudicate guilt, alleging Orosco committed multiple violations of the conditions of her community supervision. At a hearing on the State's motion, Orosco pled true to the allegations that she failed to report to her supervision officer as required on four occasions, failed to submit to drug testing as directed on

two occasions, and failed to complete 100 hours of community service restitution. She pled not true to allegations she violated the conditions of her supervision by possessing marijuana and a penalty group one controlled substance and by using a controlled substance.

After an evidentiary hearing at which Orosco's supervision officer and three San Antonio police officers testified, the trial court found by a preponderance of the evidence that the allegations were true. The trial court revoked Orosco's community supervision, adjudicated her guilty, and imposed a sentence of ten years in prison and a \$1,500 fine. Orosco filed a timely notice of appeal, and this court has jurisdiction over the appeal. *See Hargesheimer v. State*, 192 S.W.3d 906, 913 (Tex. Crim. App. 2006).

Orosco's court-appointed appellate attorney has filed a motion to withdraw and a brief in which he concludes this appeal is frivolous and without merit. The brief demonstrates a professional and thorough evaluation of the record and meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Counsel sent copies of the brief and motion to withdraw to Orosco and informed Orosco of her rights in compliance with the requirements of *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014). This court subsequently granted Orosco's motion for access to the record, provided her a copy of the appellate record, and notified her of the deadline to file a pro se brief. No pro se brief has been filed.

We have thoroughly reviewed the record and counsel's brief, and we find no arguable grounds for appeal exist and the appeal is wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We therefore grant the motion to withdraw filed by Orosco's counsel and affirm the trial court's judgment. *See id.*; *Nichols v State*, 954 S.W.2d 83, 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.).¹

Luz Elena D. Chapa, Justice

DO NOT PUBLISH

¹No substitute counsel will be appointed. Should Orosco wish to seek further review of this case by the Texas Court of Criminal Appeals, she 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 after either this opinion is rendered or the last timely motion for rehearing or motion for en banc reconsideration is overruled by this court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Court of Criminal Appeals. *See id.* R. 68.3. Any petition for discretionary review must comply with the requirements of rule 68.4 of the Texas Rules of Appellate Procedure. *See id.* R. 68.4.