

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-19-00113-CR**

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**ROLANDO CALDERILLA, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 356th Judicial District Court  
Hardin County, Texas  
Trial Cause No. 23810**

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**MEMORANDUM OPINION**

In this appeal, the attorney the trial court appointed to represent Rolando Calderilla in his appeal submitted a brief in which counsel contends no arguable grounds are available to support an argument to overturn Calderilla's conviction for burglary of a habitation while intending to commit a felony other than theft.<sup>1</sup> Based

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<sup>1</sup> See Tex. Penal Code Ann. § 30.02(a)(3), (d).

on our review of the record, we agree no arguable issues support an attorney filing a merits-based brief in Calderilla's appeal.<sup>2</sup>

Calderilla's appeal arises from a judgment the trial court rendered on Calderilla's open plea. After Calderilla pleaded guilty, the trial court found he was guilty and assessed a ninety-nine -year sentence. Calderilla filed a notice of appeal. The court-appointed appellate attorney representing him then filed a brief, which contains the attorney's professional evaluation of the record. In the brief, Calderilla's attorney concludes he cannot advance a nonfrivolous argument to support Calderilla's appeal because any such arguments would be frivolous.<sup>3</sup> In response, Calderilla filed a *pro se* brief. In it, Calderilla alleged he received ineffective assistance of trial counsel and did not voluntarily, intelligently, or knowingly plead guilty. Together with these arguments, Calderilla contends the trial court abused its discretion by giving him a ninety-nine- year sentence, and he complains the attorney the trial court appointed to assist him with his appeal provided ineffective assistance of counsel. In response, the State argues the judgment the trial court signed trial should be affirmed.

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<sup>2</sup> See *Anders v. California*, 386 U.S. 738, 744 (1967).

<sup>3</sup> See *Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

After reviewing the appellate record, the *Anders* brief filed by Calderilla's counsel, Calderilla's *pro se* response, the State's response to Calderilla's brief, and Calderilla's *pro se* reply brief, we agree with counsel's conclusion the appeal is frivolous. Thus, we need not order the trial court to appoint new counsel to re-brief the appeal.<sup>4</sup> Because no arguable issues support Calderilla's appeal, we affirm the judgment rendered by the court below.

AFFIRMED.

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HOLLIS HORTON  
Justice

Submitted on February 14, 2020  
Opinion Delivered June 24, 2020  
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.

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<sup>4</sup> *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).