



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-19-00514-CR

George **LUCIO**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 274th Judicial District Court, Guadalupe County, Texas
Trial Court No. 17-2556-CR-A
Honorable Gary Steel, Judge Presiding

Opinion by: Liza A. Rodriguez, Justice

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

Delivered and Filed: July 1, 2020

AFFIRMED

After a jury trial, George Lucio was found guilty of one count of continuous sexual abuse of a child under age fourteen, one count of sexual assault of a child, and three counts of indecency with a child by contact. He was sentenced to twenty-five years of imprisonment for the count of continuous sexual abuse of a child; five years for the count of sexual assault of a child, and five years for each count of indecency with a child by contact. His sentences were ordered to be served consecutively.

Lucio'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 sent copies of the brief and motion to withdraw to Lucio and informed him of his rights in compliance with the requirements of *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014). This court subsequently granted Lucio's motion for access to the record, provided him a copy of the appellate record, and notified him of the deadline to file a pro se brief. Lucio did not file a timely pro se brief. He did, however, file a letter.

We have thoroughly reviewed the record, counsel's brief, and Lucio's letter. 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). 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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