

COURT OF APPEALS FOR THE THIRD JUDICIAL DISTRICT OF TEXAS AT  
AUSTIN

Christopher Arthur Kurtz v. State

Kurtz v. State · No. 03-15-00144-CR · Decided June 9, 2015

SUMMARY

This document is a motion by appointed appellate counsel to withdraw after filing an Anders brief in a Texas criminal appeal. It identifies the appellant, appeal and trial court information, cites relevant authority, and includes counsel’s certification of notice and delivery.

CASE DETAILS

|                    |                                                                                                                                            |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Court of Appeals for the Third Judicial District of Texas at Austin                                                                        |
| JURISDICTION       | Texas                                                                                                                                      |
| DECIDED            | June 9, 2015                                                                                                                               |
| DOCKET             | 03-15-00144-CR                                                                                                                             |
| PROCEDURAL POSTURE | Court-appointed appellate counsel filed an Anders brief and moved to withdraw as counsel in a criminal appeal involving Counts II and III. |
| PRECEDENTIAL VALUE | The provided document is a motion to withdraw as counsel rather than a merits opinion; no precedential holding appears in the text.        |
| PARTIES            | Christopher Arthur Kurtz v. The State of Texas                                                                                             |

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

- criminal appellate procedure
- appointed appellate counsel
- Anders withdrawal procedure

QUESTIONS PRESENTED

- Whether appointed appellate counsel should be permitted to withdraw after filing an Anders brief and providing the appellant with the required notice of his rights.

FACTUAL BACKGROUND

The document concerns Christopher Arthur Kurtz's criminal appeal from the 207th District Court of Comal County. The appeal identified in the caption concerns Counts II and III. Appointed appellate counsel, John G.

Jasuta, stated that he filed an Anders brief and sought withdrawal after advising Kurtz of his appellate rights.

#### **PROCEDURAL HISTORY**

The matter was pending on appeal from the 207th District Court of Comal County, Texas, in Cause No. CR2014-343. Court-appointed counsel represented that he had filed an Anders brief, notified the appellant of his rights, and consequently sought permission to withdraw.

#### **CASES CITED**

- Anders v. California, 386 U.S. 738 (1967)
- High v. State, 573 S.W.2d 807 (Tex. Cr. App. 1978)
- In re Schulman, 252 S.W.3d 403 (Tex. Cr. App. 2008)
- Kelly v. State, 436 S.W.3d 313 (Tex. Cr. App. 2014)

#### **OPINION**

PER CURIAM.

ACCEPTED 03-15-00144-CR 5591948 THIRD COURT OF APPEALS AUSTIN, TEXAS 6/8/2015 5:32:52 PM JEFFREY D. KYLE No. 03-15-00144-CR (Counts II and III) CLERK IN THE COURT OF APPEALS FOR THE THIRD JUDICIAL DISTRICT OF TEXAS, AT AUSTIN FILED IN 3rd COURT OF APPEALS Christopher Arthur Kurtz AUSTIN, TEXAS 6/9/2015 10:32:52 AM Appellant JEFFREY D. KYLE Clerk v. The State of Texas Appellee On Appeal from the 207th District Court of Comal County in Case Number CR2014-343 (Counts II and III), The Hon. Jack Robison, Judge Presiding Motion to Withdraw as Counsel TO THE HONORABLE COURT OF APPEALS: COMES NOW, John G. Jasuta, court appointed counsel for Appellant, Christopher Arthur Kurtz in the above styled and numbered cause, and would respectfully show the Court that he has this day filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), High v. State, 573 S.W.2d 807 (Tex.Cr.App.

1978), In re Schulman, 252 S.W.3d 403 (Tex.Cr.App. 2008), and Kelly v. State, 436 S.W.3d 313 (Tex.Cr.App. 2014). Consequently, Movant is required to move to withdraw as counsel. I Appellant's name and address is Christopher Arthur Kurtz, 3000 West San Antonio Street, New Braunfels, Texas, 78130. His current telephone number is (830) 620-3400. II Movant certifies that the party, Christopher Arthur Kurtz, has been notified in writing of "the right to object to the motion," in writing, despite the fact that Movant does not believe that there exists within the law any support for the existence of any such right.

The party's rights are set out in the case law set out herein. Counsel certifies that the party, Christopher Arthur Kurtz, has been fully advised of every right he possesses with regard to the appeal of these cases. Prayer WHEREFORE PREMISES CONSIDERED, Appellant prays this Honorable Court will grant his Motion to Withdraw as Counsel. Respectfully submitted,

\_\_\_\_ John G. Jasuta Attorney at Law 1801 East 51st Street,  
Suite 365474 Austin, Texas 78723 eMail: lawyer1@johngjasuta.com Tel.

512-474-4747 Fax: 512-532-6282 State Bar No. 10592300 Attorney for Christopher Arthur Kurtz  
Certificate of Compliance and Delivery This is to certify that: (1) this document, created using  
WordPerfect™ X7 software, contains 304 words, excluding those items permitted by Rule 9.4 (i)  
(1), Tex.R.App.Pro., and complies with Rules 9.4 (i)(2)(B) and 9.4 (i)(3), Tex.R.App.Pro.; and (2)  
on June 5, 2015, a true and correct copy of the above and foregoing “Motion to Withdraw as  
Counsel” was transmitted via the eService function on the State’s eFiling portal, to Joshua Presley  
(presj@co.comal.tx.us), counsel of record for the State of Texas, and to Appellant at the address  
indicated above, via surface mail (U.S.P.S.). \_\_\_\_\_ John  
G. Jasuta