

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

Troy David Campeau v. State

Campeau · No. 04-19-00464-CR · Decided October 21, 2020

SUMMARY

The Fourth Court of Appeals of Texas issued an order concerning appointed counsel's Anders brief and motion to withdraw in Troy David Campeau's criminal appeal. The court provided Campeau forty-five days to file a pro se brief and held counsel's motion to withdraw in abeyance pending further order.

CASE DETAILS

COURT	Fourth Court of Appeals of Texas, San Antonio
WRITING FOR THE COURT	Per Curiam; Liza A. Rodriguez, Justice
JURISDICTION	Texas
DECIDED	October 21, 2020
DOCKET	04-19-00464-CR
DISPOSITION	other
PROCEDURAL POSTURE	Criminal appeal in which appointed appellate counsel filed an Anders brief and motion to withdraw, asserting that no meritorious issue existed.
PRECEDENTIAL VALUE	Published order; no merits disposition is stated in the provided text.
PARTIES	Troy David Campeau v. The State of Texas

TOPICS

[appellate procedure](#) [right to counsel](#) [criminal procedure](#)

PRACTICE AREAS

[criminal appellate procedure](#) [right to counsel](#)

QUESTIONS PRESENTED

1. Whether the appointed appellate counsel's motion to withdraw under Anders should be granted before Campeau had an opportunity to file a pro se brief.

KEY QUOTATIONS

“If appellant desires to file a pro se brief, he must do so within forty-five days from the date of this order.”
(Order)

“We further ORDER the motion to withdraw filed by appellant’s counsel to be HELD IN ABEYANCE pending further order of the court.” (Order)

FACTUAL BACKGROUND

The opinion contains no substantive factual discussion concerning the underlying criminal offense. The relevant facts are procedural: appointed appellate counsel filed an Anders brief and motion to withdraw, certified service and notice of Campeau's pro se briefing rights, and the State waived its right to file a brief unless a pro se brief was filed.

PROCEDURAL HISTORY

Campeau appealed from the 451st Judicial District Court of Kendall County, Texas, trial court cause number 16-755-CR. Appointed appellate counsel filed an Anders brief and motion to withdraw. The court ordered that Campeau could file a pro se brief within forty-five days and held counsel's motion to withdraw in abeyance pending further order.

DISPOSITION

other

CASES CITED

- Anders v. California, 386 U.S. 738 (1967)
- Bruns v. State, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.)
- Penson v. Ohio, 488 U.S. 75, 80-82 (1988)
- Schulman v. State, 252 S.W.3d 403, 410-11 (Tex. Crim. App. 2008)

OPINION

Troy David Campeau v. State

PER CURIAM.

FILE COPY

Fourth Court of Appeals San Antonio, Texas October 21, 2020 No. 04-19-00464-CR Troy David CAMPEAU, Appellant v. The STATE of Texas, Appellee From the 451st Judicial District Court, Kendall County, Texas Trial Court No. 16-755-CR Honorable Kirsten Cohoon, Judge Presiding
ORDER

Appellant’s court-appointed attorney has filed a brief and motion to withdraw pursuant to Anders v. California, 386 U.S. 738 (1967), in which he asserts there are no meritorious issues to raise on appeal. Counsel certifies he has served copies of the brief and motion on appellant, has provided appellant with a copy of the appellate record, and has informed appellant of his right to file his

own brief. If appellant desires to file a pro se brief, he must do so within forty-five days from the date of this order. See *Bruns v. State*, 924 S.W.2d 176, 177 n.1 (Tex. App.—San Antonio 1996, no pet.). The State has filed a notice waiving its right to file a brief in this case unless appellant files a pro se brief. If appellant files a timely pro se brief, the State may file a responsive brief no later than thirty days after appellant's pro se brief is filed in this court. We further ORDER the motion to withdraw filed by appellant's counsel to be HELD IN ABEYANCE pending further order of the court. See *Penson v. Ohio*, 488 U.S. 75, 80-82 (1988); *Schulman v. State*, 252 S.W.3d 403, 410-11 (Tex. Crim. App. 2008). _____ Liza A. Rodriguez, Justice

FILE COPY

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 21st day of October, 2020. _____ MICHAEL A. CRUZ,
Clerk of Court