

COURT OF APPEALS, SIXTH APPELLATE DISTRICT OF TEXAS AT
TEXARKANA

Simon Rico, Jr. v. The State of Texas

Rico · No. 06-24-00218-CR · Decided March 18, 2026

SUMMARY

The Sixth Court of Appeals of Texas affirmed Simon Rico, Jr.'s conviction and eighteen-year sentence for manslaughter. The court held that retained counsel properly sought withdrawal under Texas Rule of Appellate Procedure 6.5 after determining the appeal was frivolous, and that Anders procedures applicable to appointed counsel did not apply. After independently reviewing the record, the court found no arguable issue warranting reversal.

CASE DETAILS

COURT	Court of Appeals, Sixth Appellate District of Texas at Texarkana
WRITING FOR THE COURT	Jeff Rambin; Chief Justice Stevens; Justice van Cleef; Justice Rambin
JURISDICTION	Court of Appeals, Sixth Appellate District of Texas at Texarkana
DECIDED	March 18, 2026
DOCKET	06-24-00218-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment imposing an eighteen-year prison sentence after appellant pleaded guilty to manslaughter. Retained appellate counsel moved to withdraw under Texas Rule of Appellate Procedure 6.5, represented that the appeal was frivolous, and filed an Anders-related submission that the court accepted but did not file.
STANDARD OF REVIEW	The court independently reviewed the appellate record to determine whether retained counsel's representation that the appeal was frivolous was accurate.
PRECEDENTIAL VALUE	Unpublished memorandum opinion; marked Do Not Publish.
PARTIES	Simon Rico, Jr. v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

criminal appellate procedure

criminal procedure

right to counsel

QUESTIONS PRESENTED

1. Whether retained appellate counsel was required to file an Anders brief when counsel determined that Rico's appeal was frivolous.
2. Whether retained counsel complied with Texas Rule of Appellate Procedure 6.5 by informing the court that the appeal lacked merit and seeking leave to withdraw.
3. Whether independent review of the appellate record disclosed any arguable issue warranting reversal.

HOLDINGS

1. The constitutional protections and Anders procedures applicable to indigent appellants represented by appointed counsel do not apply to an appellant who has retained counsel; retained counsel is not required to file an Anders brief.
2. Retained counsel complied with Texas Rule of Appellate Procedure 6.5 by representing that counsel had thoroughly reviewed the record, found no arguable grounds for reversal, informed the court that the appeal was frivolous, sought leave to withdraw, and represented that Rico received a copy of the motion.
3. The appellate court's independent review disclosed no arguable issue warranting reversal, so the trial court's judgment was affirmed.

KEY QUOTATIONS

“The constitutional protections afforded indigent appellants with appointed counsel do not apply to an appellant who has retained counsel.” (at 2)

“Thus, only appointed counsel is required to file an Anders brief. Retained counsel is not required to do so.” (at 2)

“Yet, ‘in the interest of justice, we undertook an independent review of the appellate record to determine whether [the] representation regarding the frivolousness of the appeal was accurate.’” (at 3)

FACTUAL BACKGROUND

Rico pleaded guilty to manslaughter, a second-degree felony, and the trial court sentenced him to eighteen years' imprisonment. Although the trial court found Rico indigent and appointed appellate counsel, appointed counsel was replaced by retained counsel. Retained counsel reviewed the complete appellate record, concluded that there were no arguable grounds for reversal, and sought withdrawal under Texas Rule of Appellate Procedure 6.5.

PROCEDURAL HISTORY

Rico pleaded guilty to manslaughter in the 354th District Court of Hunt County, which sentenced him to eighteen years' imprisonment. After initially being represented by appointed appellate counsel, Rico substituted retained counsel. Retained counsel moved to withdraw under Rule 6.5 after reviewing the record and finding no

arguable grounds for reversal. The appellate court granted the motion, allowed Rico to file a pro se brief, received no response, independently reviewed the record, found no arguable issue, and affirmed.

DISPOSITION

affirmed

CASES CITED

- Anders v. California, 386 U.S. 738, 743-44 (1967)
- Torres v. State, 271 S.W.3d 872, 873 (Tex. App.—Amarillo 2008, no pet.)
- Rivera v. State, 130 S.W.3d 454, 458 (Tex. App.—Corpus Christi—Edinburg 2004, no pet.)
- Lopez v. State, 283 S.W.3d 479, 480-81 (Tex. App.—Texarkana 2009, no pet.)
- Zarate v. State, 2025 WL 952229, at *1 (Tex. App.—Amarillo March 28, 2025, no pet.)
- Eaglin v. State, 710 S.W.3d 833, 850 (Tex. App.—Houston [1st Dist.] 2024, pet. ref'd)
- Zarate v. State, 2020 WL 952229, at *1