

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS

Bryan Acuna v. the State of Texas

Bryan Acuna v. The State of Texas · No. 13-25-00122-CR; 13-25-00123-CR; 13-25-00124-CR · Decided  
February 26, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas reviewed three consolidated criminal appeals involving revocation of deferred adjudication community supervision, adjudication of guilt, and concurrent sentences for burglary, sex-offender registration violations, and evading arrest. After independently reviewing the record and finding no arguable grounds for appeal under *Anders v. California*, the court granted counsel’s motions to withdraw and affirmed the trial court’s judgments.

CASE DETAILS

|                       |                                                                                                                                                                                                                                         |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals for the Thirteenth District of Texas                                                                                                                                                                                   |
| WRITING FOR THE COURT | Justice Jenny Cron; Justice Silva; Justice Cron; Justice Fonseca                                                                                                                                                                        |
| JURISDICTION          | Court of Appeals for the Thirteenth District of Texas                                                                                                                                                                                   |
| DECIDED               | February 26, 2026                                                                                                                                                                                                                       |
| DOCKET                | 13-25-00122-CR; 13-25-00123-CR; 13-25-00124-CR                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                |
| PROCEDURAL POSTURE    | Appeal from orders revoking deferred-adjudication community supervision, adjudicating appellant guilty, and imposing sentences in three criminal cases. Appointed appellate counsel filed <i>Anders</i> briefs and motions to withdraw. |
| STANDARD OF REVIEW    | Upon receipt of an <i>Anders</i> brief, the appellate court must conduct a full examination of the proceedings to determine whether the appeal is wholly frivolous and whether any arguably meritorious ground for reversal exists.     |
| PRECEDENTIAL VALUE    | Nonprecedential memorandum opinion; designated do not publish under Tex. R. App. P. 47.2(b).                                                                                                                                            |
| PARTIES               | Bryan Acuna v. The State of Texas                                                                                                                                                                                                       |

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- standard of review

## PRACTICE AREAS

Criminal appellate practice

Anders appeals

Deferred-adjudication community supervision

## QUESTIONS PRESENTED

1. Whether appointed appellate counsel's Anders briefs adequately demonstrated that no arguable grounds for reversal existed.
2. Whether independent review of the records disclosed any nonfrivolous or reversible issue.
3. Whether appointed counsel should be permitted to withdraw after filing Anders briefs and complying with the required notice procedures.

## HOLDINGS

1. The Anders briefs satisfied the applicable requirements because they provided a professional evaluation explaining why no arguable grounds for appeal existed and included relevant factual, procedural, and legal references.
2. After independently examining the records and briefs, the court found no arguable ground that would support reversal and therefore affirmed the trial court's judgments.
3. The court granted appointed counsel's motions to withdraw because counsel complied with Anders-related notice and briefing requirements and no arguable grounds for appeal were identified.

## KEY QUOTATIONS

*“Upon receiving an Anders brief, we must conduct a full examination of all the proceedings to determine whether the case is wholly frivolous.”* (at 3)

*“We have reviewed the records and counsel’s briefs, and we have found nothing that would arguably support an appeal.”* (at 3)

## FACTUAL BACKGROUND

Acuna was charged in three cases with burglary of a habitation as a habitual felony offender, failure to comply with sex-offender reporting and registration requirements, and evading arrest or detention after a prior conviction. He pleaded guilty under separate but related plea agreements and was placed on deferred-adjudication community supervision. After the State alleged numerous supervision violations, including three new offenses, Acuna pleaded true. The trial court revoked supervision, adjudicated him guilty, imposed concurrent sentences of forty years, ten years, and two years, and awarded 591 days of credit toward each sentence.

## PROCEDURAL HISTORY

Acuna pleaded guilty pursuant to separate but related plea agreements and received deferred-adjudication community supervision in three cases. The State later moved to adjudicate guilt based on alleged violations of supervision conditions, including new offenses. After Acuna pleaded true, the trial court revoked supervision, adjudicated guilt, imposed concurrent sentences, and awarded credit for 591 days. The court of appeals

independently reviewed the records under Anders, found no arguably meritorious grounds for appeal, granted counsel's motions to withdraw, and affirmed.

#### DISPOSITION

affirmed

#### REMAND INSTRUCTIONS

No remand. Within five days of the opinion, counsel was ordered to send Acuna a copy of the opinion and judgments and advise him of his right to file a petition for discretionary review. No substitute counsel would be appointed.

#### CASES CITED

- Anders v. California, 386 U.S. 738, 744 (1967)
- In re Schulman, 252 S.W.3d 403, 406 n.9, 408-09, 408 n.17, 411 n.35 (Tex. Crim. App. 2008) (orig. proceeding)
- Hawkins v. State, 112 S.W.3d 340, 343-44 (Tex. App.—Corpus Christi—Edinburg 2003, no pet.)
- Stafford v. State, 813 S.W.2d 503, 510 n.3, 511 (Tex. Crim. App. 1991)
- High v. State, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978)
- Kelly v. State, 436 S.W.3d 313, 319-22 (Tex. Crim. App. 2014)
- Penson v. Ohio, 488 U.S. 75, 80 (1988)
- Bledsoe v. State, 178 S.W.3d 824, 827-28 (Tex. Crim. App. 2005)
- Ex parte Owens, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006)

#### OPINION

Bryan Acuna v. the State of Texas

PER CURIAM.

NUMBERS 13-25-00122-CR, 13-25-00123-CR,

13-25-00124-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

BRYAN ACUNA, Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 347TH DISTRICT COURT

OF NUECES COUNTY, TEXAS

MEMORANDUM OPINION

Before Justices Silva, Cron, and Fonseca Memorandum Opinion by Justice Cron In trial court cause number 20FC-3578H, appellate number 13-25-00122-CR, appellant Bryan Acuna was accused of burglary of a habitation, a second-degree felony, and of being a habitual felony

offender, which increased the punishment range for this offense to twenty-five years to life imprisonment. See TEX. PENAL CODE §§ 12.42(d), 30.02(c)(2). In trial court cause number 21FC-2379H, appellate number 13-25-00123- CR, appellant was accused of failing to comply with certain sex offender reporting and registration requirements, a second-degree felony. See TEX. CODE CRIM. PROC. art. 62.102(b)(3). In trial court cause number 21FC-2380H, appellate number 13-25-00124- CR, appellant was accused of evading arrest or detention with a previous conviction for the same offense, a state jail felony. See TEX. PENAL CODE § 38.04(b)(1)(A). Pursuant to separate but related plea agreements, appellant pleaded guilty to each offense and was placed on deferred adjudication community supervision for a given period in each case. See TEX. CODE CRIM. PROC. art. 42A.101(a). The State subsequently filed a motion to adjudicate guilt in each case alleging that appellant violated numerous conditions of his community supervision by, among other things, committing three new offenses. See *id.* arts. 42A.104(a), 42A.108(a). The motions were heard together, and appellant pleaded “true” to each allegation. See *id.* art. 42A.108(b). At the conclusion of the hearing, the trial court revoked appellant’s supervision in each case; adjudicated him guilty of the underlying offenses; sentenced him to forty years’ imprisonment on the burglary offense, ten years’ imprisonment on the registration offense, and two years’ imprisonment on the evading offense; awarded 591 days of credit toward each sentence; and ordered the sentences to run concurrently. See *id.* arts. 42.03, § 2(a)(1), (2), 42.08(a), 42A.108(b), 42A.110; TEX. PENAL CODE §§ 12.33(a), 12.35(a), 12.42(d). Appellant’s court-appointed counsel has filed an Anders brief stating that there are 2 no arguable grounds for appeal in any of the cases. See *Anders v. California*, 386 U.S. 738, 744 (1967). We affirm the trial court’s judgments.

#### I. ANDERS BRIEF

Pursuant to *Anders v. California*, appellant’s court-appointed appellate counsel filed, in each case, a brief and a motion to withdraw with this Court, stating that her review of the record yielded no grounds of reversible error upon which an appeal could be predicated. See *id.* Counsel’s briefs meet the requirements of *Anders* as they present a professional evaluation demonstrating why there are no arguable grounds to advance on appeal. See *In re Schulman*, 252 S.W.3d 403, 406 n.9 (Tex. Crim. App. 2008) (orig. proceeding) (“In Texas, an Anders brief need not specifically advance ‘arguable’ points of error if counsel finds none, but it must provide record references to the facts and procedural history and set out pertinent legal authorities.” (citing *Hawkins v. State*, 112 S.W.3d 340, 343–44 (Tex. App.—Corpus Christi–Edinburg 2003, no pet.))); *Stafford v. State*, 813 S.W.2d 503, 510 n.3 (Tex. Crim. App. 1991). In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. [Panel Op.] 1978) and *Kelly v. State*, 436 S.W.3d 313, 319–22 (Tex. Crim. App. 2014), appellant’s counsel carefully discussed why, under controlling authority, there are no reversible errors in the trial court’s judgments. Appellant’s counsel also informed this Court in writing that she: (1) notified appellant that counsel has filed an Anders brief and a motion to withdraw in each case; (2) provided appellant with copies of these pleadings;

(3) informed appellant of his right to file a pro se response in each case, to review the relevant record prior to filing a response, and to seek discretionary review if we conclude 3 that the appeals are frivolous; and (4) provided appellant with form motions for pro se access to the appellate records that only require appellant's signature and date with instructions to file the motions within ten days. See *Anders*, 386 U.S. at 744; *Kelly*, 436 S.W.3d at 319–20; see also *In re Schulman*, 252 S.W.3d at 408–09. An adequate amount of time has passed, and appellant has not requested the appellate record or filed a pro se response in any of the cases.

## II. INDEPENDENT REVIEW

Upon receiving an *Anders* brief, we must conduct a full examination of all the proceedings to determine whether the case is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the records and counsel's briefs, and we have found nothing that would arguably support an appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005) (“Due to the nature of *Anders* briefs, by indicating in the opinion that it considered the issues raised in the briefs and reviewed the record for reversible error but found none, the court of appeals met the requirements of Texas Rule of Appellate Procedure 47.1.”); *Stafford*, 813 S.W.2d at 511.

## III. MOTION TO WITHDRAW

In accordance with *Anders*, appellant's counsel has asked this Court for permission to withdraw as counsel. See *Anders*, 386 U.S. at 744; see also *In re Schulman*, 252 S.W.3d at 408 n.17. We grant counsel's motions to withdraw. Within five days from the date of this Court's opinion, counsel is ordered to send a copy of this opinion and this Court's judgments to appellant and to advise him of his right to file a petition for 4 discretionary review. 1 See TEX. R. APP. P. 48.4; see also *In re Schulman*, 252 S.W.3d at 411 n.35; *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006).

## IV. CONCLUSION

We affirm the trial court's judgments.

JENNY CRON

Justice Do not publish. TEX. R. APP. P. 47.2(b). Delivered and filed on the 26th day of February, 2026. 1 No substitute counsel will be appointed. Should appellant wish to seek further review of these cases 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 date of either this opinion or the last timely motion for rehearing or timely motion for en banc reconsideration that was overruled by this Court. See TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the Clerk of the Texas Court of Criminal Appeals. See *id.* R. 68.3. Any petition for discretionary review should comply with the requirements of Texas Rule of Appellate Procedure 68.4. See *id.* R. 68.4. 5