

COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS,
CORPUS CHRISTI–EDINBURG

Gustavo Perez Sr. v. The State of Texas

No. 13-25-00689-CR (Tex. App.—Corpus Christi–Edinburg June 25, 2026) (mem.) · No. 13-25-00689-CR ·
Decided June 25, 2026

SUMMARY

The Thirteenth Court of Appeals of Texas affirmed the trial court’s judgment adjudicating Gustavo Perez Sr. guilty after revoking deferred adjudication community supervision for violations of its terms. The court independently reviewed the record under *Anders v. California*, found no arguable grounds for appeal, and granted appointed counsel’s motion to withdraw.

CASE DETAILS

COURT	Court of Appeals for the Thirteenth District of Texas, Corpus Christi–Edinburg
WRITING FOR THE COURT	Jon West; Justices Peña; West; Fonseca
JURISDICTION	Texas Court of Appeals, Thirteenth District
DECIDED	June 25, 2026
DOCKET	13-25-00689-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the judgment adjudicating appellant guilty after the trial court revoked deferred-adjudication community supervision. Appellant's appointed appellate counsel filed an <i>Anders</i> brief and moved to withdraw.
STANDARD OF REVIEW	Upon receipt of an <i>Anders</i> brief, the appellate court conducts a full examination of the proceedings and record to determine whether the appeal is wholly frivolous and whether any arguable grounds for reversal exist.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; designated do not publish under Texas Rule of Appellate Procedure 47.2(b).
PARTIES	Gustavo Perez Sr. v. The State of Texas

TOPICS

appellate procedure

right to counsel

criminal procedure

PRACTICE AREAS

criminal appellate practice

criminal procedure

appointed counsel

QUESTIONS PRESENTED

1. Whether independent review of the record disclosed any arguable grounds for reversal under *Anders v. California*.
2. Whether appointed appellate counsel should be permitted to withdraw after filing an *Anders* brief.
3. Whether the trial court's judgment adjudicating Perez guilty and assessing punishment should be affirmed.

HOLDINGS

1. After receiving an *Anders* brief, the court must fully examine the proceedings and record to determine whether the appeal is wholly frivolous. The court conducted that review and found nothing that would arguably support an appeal.
2. Counsel's motion to withdraw should be granted when counsel has complied with *Anders* and the applicable Texas procedures.
3. The trial court's judgment was affirmed because the independent review disclosed no reversible error or arguable grounds supporting appeal.

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." (2)

"We affirm the trial court's judgment." (4)

FACTUAL BACKGROUND

Perez pleaded guilty to taking a weapon from a peace officer, a third-degree felony. The trial court placed him on deferred-adjudication community supervision for eight years. The State later alleged four violations of the supervision terms; the trial court found all four allegations true, revoked supervision, adjudicated Perez guilty, and imposed three years' imprisonment and a \$500 fine.

PROCEDURAL HISTORY

Perez pleaded guilty to taking a weapon from a peace officer and received eight years of deferred-adjudication community supervision. After the State alleged four violations, the trial court found all four allegations true, revoked community supervision, adjudicated Perez guilty, and assessed three years' imprisonment and a \$500 fine. On appeal, appointed counsel filed an *Anders* brief asserting no arguable grounds for reversal; the court independently reviewed the record, found no arguable basis for appeal, granted counsel's motion to withdraw, and affirmed.

DISPOSITION

affirmed

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, 412 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

Gustavo Perez Sr. v. the State of Texas

PER CURIAM.

NUMBER 13-25-00689-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

GUSTAVO PEREZ SR., Appellant, v. THE STATE OF TEXAS, Appellee.

ON APPEAL FROM THE 24TH DISTRICT COURT

OF CALHOUN COUNTY, TEXAS

MEMORANDUM OPINION

Before Justices Peña, West, and Fonseca Memorandum Opinion by Justice West Appellant Gustavo Perez Sr. pled guilty to taking a weapon from a peace officer, a third-degree felony punishable by two to ten years imprisonment and a fine not to exceed \$10,000. See TEX. PENAL CODE §§ 12.34, 38.14(e)(1). Appellant was placed on deferred adjudication community supervision for eight years. Afterward, the State filed a motion to adjudicate, alleging four violations of the terms of community supervision. The trial court found all four allegations true, revoked community supervision, and adjudicated appellant guilty. Punishment was assessed at three years imprisonment and a \$500 fine. Appellant’s court-appointed counsel has filed an *Anders* brief stating that there are no arguable grounds for appeal. See *Anders v. California*, 386 U.S. 738, 744 (1967). We affirm the trial court’s judgment.

I. ANDERS BRIEF

Pursuant to *Anders v. California*, appellant's court-appointed appellate counsel filed a brief and a motion to withdraw with this Court, stating that his review of the record yielded no grounds of reversible error upon which an appeal could be predicated. See *id.* Counsel's brief meets the requirements of *Anders* as it presents 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 is no reversible error in the trial court's judgment. Appellant's counsel also informed this Court 2 in writing that he: (1) notified appellant that counsel has filed an *Anders* brief and a motion to withdraw; (2) provided appellant with copies of both pleadings; (3) informed appellant of his right to file a pro se response, to review the record prior to filing that response, and to seek discretionary review if we conclude that the appeal is frivolous; and (4) provided appellant with a form motion for pro se access to the appellate record that only requires appellant's signature and date with instructions to file the motion 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. In this case, appellant filed neither a timely motion seeking pro se access to the appellate record nor a motion for extension of time to do so. Appellant did not file a pro se response.

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 record and counsel's brief, 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 3 Schulman*, 252 S.W.3d at 408 n.17. We grant counsel's motion 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 judgment to appellant and to advise him of his right to file a petition for discretionary review. 1 See TEX. R. APP. P. 48.4; see also *In re Schulman*, 252 S.W.3d at 412 n.35; *Ex parte Owens*, 206 S.W.3d 670, 673 (Tex. Crim. App. 2006).

IV. CONCLUSION

We affirm the trial court's judgment.

JON WEST

Justice Do not publish. TEX. R. APP. P. 47.2(b). Delivered and filed on the 25th day of June, 2026.

1 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 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. 4