

COURT OF APPEALS OF THE EIGHTH DISTRICT OF TEXAS

Billy Jack Barrera v. The State of Texas

No. 08-25-00043-CR · No. 08-25-00043-CR · Decided April 9, 2026

SUMMARY

The Eighth District Court of Appeals of Texas reviewed an Anders appeal from Billy Jack Barrera’s conviction for cruelty to animals, a third-degree felony. The court independently reviewed the record, found the appeal frivolous and without merit, affirmed the trial court’s judgment, and granted appellate counsel’s motion to withdraw.

CASE DETAILS

COURT	Court of Appeals of the Eighth District of Texas
WRITING FOR THE COURT	Gina M. Palafox; Salas Mendoza, Chief Justice; Gina M. Palafox, Justice; Soto, Justice
JURISDICTION	Court of Appeals of the Eighth District of Texas
DECIDED	April 9, 2026
DOCKET	08-25-00043-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Barrera appealed his jury conviction and four-year sentence for cruelty to animals. Appointed appellate counsel filed an Anders brief and a motion to withdraw, asserting that the appeal was wholly frivolous.
STANDARD OF REVIEW	After a compliant Anders brief is filed, the court of appeals must independently review the entire record to determine whether any arguable grounds for appeal exist.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Billy Jack Barrera v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel

PRACTICE AREAS

- criminal appellate procedure
- Anders appeals
- animal cruelty

QUESTIONS PRESENTED

1. Whether appellate counsel satisfied the requirements for withdrawal under *Anders v. California* by filing a brief that professionally evaluated the record and explained why no arguable issues existed.
2. Whether the court of appeals' independent review of the record revealed any arguable grounds for appeal.
3. Whether appellate counsel should be permitted to withdraw after the appeal was determined to be wholly frivolous.

HOLDINGS

1. Counsel's *Anders* brief satisfied the requirements for withdrawal because it professionally evaluated the record, cited the record and legal authority, and explained why no arguable points of error existed.
2. The appeal was wholly frivolous and without merit because the court's independent review of the entire record revealed no arguable grounds for appeal.

KEY QUOTATIONS

“Once appointed counsel files a compliant Anders brief, a court of appeals must conduct its own independent review of the record to ascertain whether there are any arguable grounds for the appeal.” (at 2)

“Having reviewed the entire record of this appeal, we conclude the appeal is wholly frivolous and without merit.” (at 3)

FACTUAL BACKGROUND

Barrera was charged with cruelty to animals after witnesses testified that he repeatedly beat his pit bull with a machete. The State introduced photographs showing the dog's extensive injuries and veterinary records. A jury found Barrera guilty, and the trial court assessed punishment at four years' confinement and ordered payment of court costs.

PROCEDURAL HISTORY

Barrera was indicted in the 81st District Court of Karnes County, pleaded not guilty, and was convicted by a jury of third-degree-felony cruelty to animals. The trial court assessed four years' confinement and court costs. On appeal, counsel filed a compliant *Anders* brief and motion to withdraw; Barrera did not file a pro se response. The Court of Appeals independently reviewed the record, found no arguable grounds, granted withdrawal, and affirmed.

DISPOSITION

affirmed

CASES CITED

- *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008)

- *Anders v. California*, 386 U.S. 738, 744–45 (1967)
- *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978)
- *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014)
- *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (en banc)

OPINION

Billy Jack Barrera v. the State of Texas

PER CURIAM.

COURT OF APPEALS

EIGHTH DISTRICT OF TEXAS

EL PASO, TEXAS

No. 08-25-00043-CR Billy Jack Barrera, Appellant v. The State of Texas, Appellee On Appeal from the 81st District Court Karnes County, Texas Trial Court No. 20-01-00001-CRK

MEMORANDUM OPINION 1

A jury convicted Appellant Billy Jack Barrera of one count of cruelty to animals, a third- degree felony. Tex. Pen. Code Ann. § 42.092(b)(1). The trial court sentenced Barrera to four years 1 This case was transferred pursuant to the Texas Supreme Court’s docket equalization efforts. Tex. Gov’t Code Ann. § 73.001. We follow the precedent of the Fourth Court of Appeals to the extent it might conflict with our own. See Tex. R. App. P. 41.3. confinement. On appeal, Barrera’s counsel filed an *Anders* brief in support of a motion to withdraw. We grant the motion to withdraw and affirm the judgment of the trial court.

I. BACKGROUND

Barrera was indicted on one count of cruelty to animals. Barrera entered a plea of not guilty, and the case proceeded to a jury trial. The State presented evidence through multiple live witnesses who testified that Barrera beat his pit bull repeatedly with a machete. The State also presented multiple exhibits into evidence, namely photographs of the dog’s extensive injuries and veterinary records. At the end of the guilt-innocence phase of trial, the jury returned a verdict of guilty. Barrera elected for the trial court to assess his punishment. The trial court sentenced Barrera to four years’ confinement and ordered him to pay court costs.

II. FRIVOLOUS APPEAL

“A criminal defense attorney’s duty is to zealously represent the interests of his client on appeal.” In re Schulman, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (citing *Anders v. California*, 386 U.S. 738, 744 (1967)). However, “if counsel finds [appellant’s] case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw.” *Anders*, 386 U.S. at 744. Barrera’s counsel did so here, filing an *Anders* brief and a motion to withdraw. Id. at 738. With citations to the record and legal authority, counsel’s brief contains a professional evaluation of the record, explains why no arguable points of error exist for review, and concludes that this appeal is frivolous and without merit. Id. at 744–45; *High v. State*,

573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978). We conclude the brief meets the requirements of Anders as it presents a professional evaluation showing why there is no basis to advance an appeal. See Anders, 386 U.S. at 744–75; High, 573 S.W.2d at 812–13. Additionally, in compliance with the requirements of Kelly v. State, 436 S.W.3d 313 (Tex. Crim. App. 2014), counsel provided Barrera with a copy of the brief, advised him of his right to examine the record and file a response, 2 and advised him of his right to seek discretionary review in the Texas Court of Criminal Appeals should this Court conclude his appeal is frivolous. Barrera neither requested a copy of the record nor filed a pro se brief.

III. INDEPENDENT REVIEW

Once appointed counsel files a compliant Anders brief, a court of appeals must conduct its own independent review of the record to ascertain whether there are any arguable grounds for the appeal. Anders, 386 U.S. at 744; Stafford v. State, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (en banc). Having reviewed the entire record of this appeal, we conclude the appeal is wholly frivolous and without merit. In re Schulman, 252 S.W.3d at 406 n.9. Accordingly, we affirm the trial court’s judgment and grant appellate counsel’s motion to withdraw.

IV. FURTHER REVIEW

No substitute counsel will be appointed. Through a retained attorney or by representing himself, Barrera may ask the Court of Criminal Appeals to review his case by filing a petition for discretionary review. The petition must be filed with the clerk of the Court of Criminal Appeals within 30 days from the date of either: (1) this opinion; or (2) the last timely motion for rehearing or motion for en banc reconsideration that is overruled by this Court. See Tex. R. App. P. 68.2, 68.3(a). The petition must also comply with Rule 68.4. See Tex. R. App. P. 68.4.

V. CONCLUSION

We affirm the trial court’s judgment of conviction. GINA M. PALAFOX, Justice 3 April 9, 2026
Before Salas Mendoza, C.J., Palafox and Soto, JJ. (Do Not Publish) 4