

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

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

M E M O R A N D U M O P I N I O N 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