Fourth Court of Appeals
San Antonio, Texas

September 23, 2014

No. 04-14-00284-CR

Loretta **STRACHE**,
Appellant

v.

THE STATE OF TEXAS,
Appellee

From the County Court at Law No. 7, Bexar County, Texas
Trial Court No. 370016
Honorable Phil Chavarria, Jr., Judge Presiding

O R D E R

On June 6, 2014, Appellant's counsel filed an *Anders* brief and a motion to withdraw. In accordance with *Kelly v. State*, 436 S.W.3d 313, 318–19 (Tex. Crim. App. 2014), appellant's attorney is required to certify the following steps have be taken:

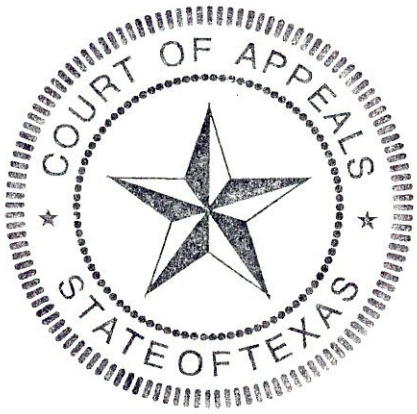
(1) notify Appellant that counsel has filed an *Anders* brief and motion to withdraw and enclose copies of the documents,
(2) inform Appellant of his right to review the appellate record and file a pro se brief,
(3) inform Appellant of his right to file a pro se petition for discretionary review should the court of appeals determine the appeal is frivolous, and
(4) "take concrete measures to initiate and facilitate the process of actuating [appellant's] right to review the appellate record, if that is what [appellant] wishes." *Id.*

Id.; Ex parte Owens, 206 S.W.3d 670674 n. 28 (Tex. Crim. App. 2006); *Meza v. State*, 206 S.W.3d 684 (Tex. Crim. App. 2006). With respect to the final requirement, counsel may either send a copy of the appellate record to his client or advise his client that if he wishes to review the appellate record, he must file a motion in this court within ten days of counsel's letter, requesting access to the record. *Kelly*, 436 S.W.3d at 318–19. Counsel should include with his letter a form motion for this purpose, advise his client to sign and date the motion and mail it to this court within ten days, and supply his client with this court's mailing address. *Id.*

Counsel's prior notification satisfied the first three requirements. We, therefore, ORDER appellant's counsel to provide proof of compliance with the fourth requirement set forth in *Kelly*. *Id*. Counsel's notification to this court is due to be filed with this court no later than **October 8, 2014**. After counsel's *Anders* brief and motion to withdraw comply with the requirements of *Kelly*, 436 S.W.3d at 318–19, this court will set a due date for appellant's pro se brief.

Patricia O. Alvarez, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 23rd day of September, 2014.



Keith E. Hottle
Clerk of Court