



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-16-00122-CR

MATTHEW HUNTER MURPHY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 115th District Court
Upshur County, Texas
Trial Court No. 17075

Before Morriss, C.J., Moseley and Burgess, JJ.
Memorandum Opinion by Justice Burgess

MEMORANDUM OPINION

Matthew Hunter Murphy pled guilty to two counts of aggravated sexual assault of a child.¹ Following a bench trial on punishment, Murphy was sentenced to fifteen years' incarceration on each count, with the sentences to run concurrently.

Murphy's appellate counsel filed a brief that outlined the procedural history of the case, provided a detailed summary of the evidence elicited during the course of the trial court proceedings, and stated that counsel found no meritorious issues to raise on appeal. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal. Counsel provided Murphy with a copy of the brief, the appellate record, and the motion to withdraw. Counsel also informed Murphy of his right to review the record and file a pro se response.

In response to counsel's *Anders* brief, Murphy has filed a pro se response in which he claims that (1) he was not informed that he was “signing [his] evidence away,” (2) the prosecutor turned the story around knowing he signed his evidence away, (3) the trial court took a recess and decided his case within twenty minutes, (4) his attorney was ineffective because he was “more into his mom” than he was his case, and (5) the prosecutor had a personal interest in the case due to

¹See TEX. PENAL CODE ANN. § 22.021 (West Supp. 2016).

pressure from the victim's father. After reviewing the record, we find that these points are without merit.

We have determined that this appeal is wholly frivolous. We have independently reviewed the appellate record, and we agree that no arguable issue supports an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

In the *Anders* context, once we determine that the appeal is without merit and is frivolous, we must either dismiss the appeal or affirm the trial court's judgment. *See Anders*, 386 U.S. 738.

We affirm the judgment of the trial court.²

Ralph K. Burgess
Justice

Date Submitted: December 29, 2016
Date Decided: February 8, 2017

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²Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of Appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should Appellant desire 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 (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.