



**IN THE
TENTH COURT OF APPEALS**

No. 10-15-00270-CR

RICHARD BRENT REED,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 66th District Court
Hill County, Texas
Trial Court No. 37886**

MEMORANDUM OPINION

Richard Reed pleaded not guilty to the offense of injury to an elderly person. The trial court deferred adjudication of guilt and placed Reed on community supervision for three years. On April 23, 2015, the State filed an Application to Proceed to Final Adjudication. The State then filed an amended Application to Proceed to Final Adjudication on May 7, 2015. Reed pleaded true to four of the eight allegations in the State's Application to Proceed to Final Adjudication. The trial court found three

additional allegations to be true, convicted Reed of the offense of injury to an elderly person, and assessed punishment at 10 years confinement and a \$500 fine. We affirm.

Reed's appointed counsel filed an *Anders* brief asserting that she has diligently reviewed the appellate record and that, in her opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738 (1967). Counsel informed Reed of his right to submit a brief on his own behalf. On November 16, 2015, this Court received a letter from Reed indicating that he does not wish to pursue his appeal. Counsel's brief evidences a professional evaluation of the record for error, and we conclude that counsel performed the duties required of appointed counsel. *See Anders v. California*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978); *see also In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008).

In reviewing an *Anders* appeal, we must, "after a full examination of all the proceedings, ... decide whether the case is wholly frivolous." *See Anders v. California*, 386 U.S. at; accord *Stafford v. State*, 813 S.W.2d 503, 509-11 (Tex. Crim. App. 1991). An appeal is "wholly frivolous" or "without merit" when it "lacks any basis in law or fact." *McCoy v. Court of Appeals*, 486 U.S. 429, 439 n. 10 (1988). After a review of the entire record in this appeal, we determine the appeal to be wholly frivolous. *See Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Accordingly, we affirm the trial court's judgment.

Counsel's request that she be allowed to withdraw from representation of Reed is granted. Additionally, counsel must send Reed a copy of our decision, notify Reed of his right to file a pro se petition for discretionary review, and send this Court a letter

certifying counsel's compliance with Texas Rule of Appellate Procedure 48.4. TEX. R. APP.

P. 48.4; *see also In re Schulman*, 252 S.W.3d at 409 n.22.

AL SCOGGINS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed; motion granted

Opinion delivered and filed December 3, 2015

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