

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-22-00003-CR**

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**XAVIER RASHARD LACY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 356th District Court**  
**Hardin County, Texas**  
**Trial Cause No. 25202**

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**MEMORANDUM OPINION**

Xavier Rashard Lacy appeals his conviction for robbery, a second-degree felony.<sup>1</sup> After filing the notice of appeal, the trial court appointed an attorney to represent Lacy in his appeal. The attorney discharged his responsibilities to Lacy by filing an *Anders* brief.<sup>2</sup>

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<sup>1</sup>See Tex. Penal Code Ann. § 29.02(a)(2), (b).

<sup>2</sup>See *Anders v. California*, 386 U.S. 738, 744 (1967).

In the brief, Lacy's attorney represents there are no arguable reversible errors to be addressed in Lacy's appeal.<sup>3</sup> The brief the attorney filed contains a professional evaluation of the record. In the brief, Lacy's attorney explains why, under the record in Lacy's case, no arguable issues exist to reverse the trial court's judgment.<sup>4</sup> Lacy's attorney also represented that he sent Lacy a copy of the brief and the record. When the brief was filed, the Clerk of the Ninth Court of Appeals notified Lacy, by letter, that he could file a pro se brief or response with the Court on or before July 17, 2022. Lacy, however, failed to respond.

When an attorney files an *Anders* brief, we are required to independently examine the record and determine whether the attorney assigned to represent the defendant has a non-frivolous argument that would support the appeal.<sup>5</sup> After reviewing the clerk's record, the reporter's record, and the attorney's brief, we agree there are no arguable grounds to support the appeal. Thus, it follows the appeal is frivolous.<sup>6</sup>

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<sup>3</sup>See *id.*; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

<sup>4</sup>*Id.*

<sup>5</sup>*Penson v. Ohio*, 488 U.S. 75, 80 (1988) (citing *Anders*, 386 U.S. at 744).

<sup>6</sup>See *Bledsoe v. State*, 178 S.W.3d 824, 827-28 (Tex. Crim. App. 2005) ("Due to the nature of *Anders* briefs, by indicating in the opinion that it considered the issues raised in the briefs and reviewed the record

For that reason, we need not require the trial court to appoint another attorney to re-brief the appeal.<sup>7</sup>

The trial court's judgment is affirmed.

AFFIRMED.

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HOLLIS HORTON  
Justice

Submitted on July 26, 2023  
Opinion Delivered August 2, 2023  
Do Not Publish

Before Golemon, C.J., Horton and Wright, JJ.

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for reversible error but found none, the court of appeals met the requirements of Texas Rule of Appellate Procedure 47.1.”).

<sup>7</sup>See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). Lacy may challenge our decision in the case by filing a petition for discretionary review. See Tex. R. App. P. 68.