



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-16-00414-CR**

STEVEN WESLEY BARKER

APPELLANT

V.

THE STATE OF TEXAS

STATE

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FROM THE COUNTY COURT AT LAW OF HOOD COUNTY  
TRIAL COURT NO. 48894

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**MEMORANDUM OPINION<sup>1</sup>**  
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A jury found Appellant Steven Wesley Barker guilty of the offense of assault of a family or household member. See Tex. Penal Code Ann. § 22.01(a)(1), (b) (West Supp. 2016). The trial court assessed his punishment at sixty days' confinement and imposed a \$1,500 fine. Barker timely perfected this appeal.

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<sup>1</sup>See Tex. R. App. P. 47.4.

Barker's court-appointed appellate counsel has filed a motion to withdraw as counsel and a brief in support of that motion. Counsel's brief and motion meet the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. See 386 U.S. 738, 87 S. Ct. 1396 (1967). In compliance with *Kelly v. State*, counsel notified Barker of his motion to withdraw, provided him a copy of the brief, informed him of his right to file a pro se response, informed him of his pro se right to seek discretionary review should this court hold the appeal is frivolous, and took concrete measures to facilitate Barker's review of the appellate record. See 436 S.W.3d 313, 319 (Tex. Crim. App. 2014). This court afforded Barker the opportunity to file a response on his own behalf, but he did not do so.

As the reviewing court, we must conduct an independent evaluation of the record to determine whether counsel is correct in determining that the appeal is frivolous. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays v. State*, 904 S.W.2d 920, 923 (Tex. App.—Fort Worth 1995, no pet.). Only then may we grant counsel's motion to withdraw. See *Penson v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

We have carefully reviewed the record and counsel's brief. We agree with counsel that this appeal is wholly frivolous and without merit; we find nothing in the record that arguably might support an appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005). Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

/s/ Sue Walker  
SUE WALKER  
JUSTICE

PANEL: LIVINGSTON, C.J.; WALKER and MEIER, JJ.

DO NOT PUBLISH  
Tex. R. App. P. 47.2(b)

DELIVERED: June 29, 2017