



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

NO. 02-16-00388-CR

RYAN LEWIS

APPELLANT

V.

THE STATE OF TEXAS

STATE

FROM THE 367TH DISTRICT COURT OF DENTON COUNTY
TRIAL COURT NO. F-2014-1353-E

MEMORANDUM OPINION¹

A jury convicted appellant Ryan Lewis of driving while intoxicated—third offense—and, after finding an enhancement paragraph true, assessed his punishment at 10 1/2 years' confinement and a \$2,000 fine. See Tex. Penal Code Ann. §§ 12.42(a), 49.09(b)(2) (West Supp. 2017). The trial court sentenced him accordingly. Lewis's court-appointed appellate counsel has filed a motion to

¹See Tex. R. App. P. 47.4.

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. 386 U.S. 738, 87 S. Ct. 1396 (1967); see *In re Schulman*, 252 S.W.3d 403, 406–12 (Tex. Crim. App. 2008) (orig. proceeding) (analyzing the effect of *Anders*). Although Lewis was given an opportunity to file a pro se response to the *Anders* brief, he has not done so, nor has the State filed a brief in response to the *Anders* brief.

After an appellant's court-appointed counsel files a motion to withdraw on the ground that the appeal is frivolous and fulfills the requirements of *Anders*, this court must independently examine the record to see if any arguable ground may be raised on his behalf. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We also consider the briefs and any pro se response. See *Schulman*, 252 S.W.3d at 408–09. Only after we conduct our own examination to determine whether counsel has correctly assessed the case may we grant his motion to withdraw. See *Penson v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

Neither the State nor Lewis filed a response to the *Anders* brief. We have carefully reviewed counsel's brief and the record. We agree with counsel that this appeal is wholly frivolous and without merit, and we find nothing in the record that arguably might support the appeal. See *Bledsoe v. State*, 178 S.W.3d 824, 827–

28 (Tex. Crim. App. 2005); see also *Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006).

Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

PER CURIAM

PANEL: KERR, J.; SUDDERTH, C.J.; and GABRIEL, J.

DO NOT PUBLISH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

DELIVERED: April 26, 2018