



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-13-00350-CR

DAVID ALLEN FULFER, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 77th District Court
Limestone County, Texas
Trial Court No. 13004-A, Honorable Patrick (Pat) Simmons, Presiding

March 28, 2014

MEMORANDUM OPINION

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

Appellant, David Allen Fulfer, was convicted of the offense of assault, family violence, enhanced¹ and sentenced to serve eight years in the Institutional Division of the Texas Department of Criminal Justice. Appellant gave notice of appeal. We will affirm.

Appellant's attorney has filed an *Anders* brief and a motion to withdraw. *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed. 2d 498 (1967). In support of his motion to withdraw, counsel certifies that he has diligently reviewed the record, and in

¹ See TEX. PENAL CODE ANN. § 22.01(a)(1), (b)(2)(A) (West 2013).

his opinion, the record reflects no reversible error upon which an appeal can be predicated. *Id.* at 744–45. In compliance with *High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978), counsel has candidly discussed why, under the controlling authorities, there is no error in the trial court’s judgment. Additionally, counsel has certified that he has provided appellant a copy of the *Anders* brief and motion to withdraw, and appropriately advised appellant of his right to file a *pro se* response in this matter. *Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991). The Court has also advised appellant of his right to file a *pro se* response. Appellant has not filed a response. By his *Anders* brief, counsel reviewed all grounds that could possibly support an appeal, but concludes the appeal is frivolous. We have reviewed these grounds and made an independent review of the entire record to determine whether there are any arguable grounds which might support an appeal. *See Penson v. Ohio*, 488 U.S. 75, 109 S.Ct. 346, 102 L.Ed.2d 300 (1988); *Bledsoe v. State*, 178 S.W.3d 824 (Tex. Crim. App. 2005). We have found no such arguable grounds and agree with counsel that the appeal is frivolous.

Accordingly, counsel’s motion to withdraw is hereby granted, and the trial court’s judgment is affirmed.²

Mackey K. Hancock
Justice

Do not publish.

² Counsel shall, within five days after this opinion is handed down, send his client a copy of the opinion and judgment, along with notification of appellant’s right to file a *pro se* petition for discretionary review. *See TEX. R. APP. P. 48.4.*