



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

Nos. 07-14-00076-CR, 07-14-00078-CR,
07-14-00079-CR

LAMONT D. SPENCER, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the Criminal District Court 3
Tarrant County, Texas
Trial Court Nos. 1299134D, 1304136D, 1306654D, Honorable Robb Catalano, Presiding

June 27, 2014

MEMORANDUM OPINION

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

Appellant Lamont D. Spencer appeals his felony conviction for aggravated sexual assault of a child, and two charges of felony indecency with a child by contact. Appellant pled guilty to each charge under an open plea. The offenses involved three different victims. The trial court assessed punishment at forty-five years' confinement in prison for the aggravated sexual assault charge and twenty years' confinement in prison for each charge of indecency with a child. The sentences run concurrently. Appellant's

court-appointed appellate counsel has filed a motion to withdraw supported by an *Anders*¹ brief. We will grant counsel's motion to withdraw and affirm the judgments of the trial court.

Counsel expresses the opinion in the motion that the appeals are without merit and frivolous. The brief reviews proceedings in the trial court through the sentencing hearing and substantiates counsel's conclusion. Correspondence from counsel to appellant indicates counsel provided appellant a copy of the motion to withdraw and *Anders* brief and advised appellant of his right to file a response. By letter, this court also notified appellant of his opportunity to submit a response but appellant did not file a response.

In conformity with the standards of the United States Supreme Court, we do not rule on a motion to withdraw before independently examining the record. *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.). If we determine the appeal has arguable merit, we will remand it to the trial court for appointment of new counsel. *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

We have reviewed the entire record to determine whether any arguable ground supports an appeal. *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). Finding no arguable ground supporting a claim of reversible error, we agree with counsel that the appeal is

¹ *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); see *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008).

frivolous. Accordingly, we grant counsel's motion to withdraw² and affirm the trial court's judgments.

James T. Campbell
Justice

Do not publish.

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