In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-16-00379-CR
No. 07-16-00380-CR
No. 07-16-00381-CR
No. 07-16-00382-CR
No. 07-16-00383-CR
No. 07-16-00384-CR

KEMORIAN DESEAN BUNCHMORRIS, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 213th District Court
Tarrant County, Texas
Trial Court Nos. 1440089D, 1435756D, 1435757D, 1435759D, 1435760D, 1435761D
Honorable Louis E. Sturns, Presiding

April 13, 2017

MEMORANDUM OPINION

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

Appellant Kemorian Desean Bunchmorris appeals his five convictions, on open pleas of guilty to the court, for aggravated assault with a deadly weapon[1] and his

[1] *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2015).

conviction, also on an open plea of guilty to the court, for burglary of a habitation[2] and the resulting concurrent sentences of eight years of imprisonment in the Institutional Division of the Texas Department of Criminal Justice. Appellant's appointed attorney has filed a motion to withdraw and a brief pursuant to *Anders v. California,* 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967) and *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008). Agreeing with counsel's conclusion the record does not show an arguably meritorious issue that could support the appeals, we will affirm the trial court's judgments.

In January 2016, appellant was indicted in five separate causes for aggravated assaults by threatening imminent bodily injury to five different victims by use or exhibition of a deadly weapon and was indicted for one count of burglary of a habitation. In May 2016, appellant entered open pleas of guilty to each offense. The trial court admonished appellant according to law, ensured his pleas were entered knowingly, freely, and voluntarily, and explained the range of punishment applicable to each. Appellant admitted he committed the offenses. The court ordered a pre-sentence investigation report and commenced a sentencing hearing in August 2016. Appellant and his mother testified at the hearing.

Evidence showed appellant was part of a group of youths who broke into a home, and several days later fired shots outside other occupied homes. Appellant's mother testified appellant was a part of the group and had a gun. She also told the court that the nine months appellant had spent in jail had matured and grown her son. She told the court she had moved to a new area and investigated improved educational

[2] *See* TEX. PENAL CODE ANN. § 30.02(d) (West 2015).

opportunities for appellant. She asked the court to place appellant on probation. In his testimony, appellant also admitted his involvement in the burglary and admitted he carried a firearm during the assaults. He also told the court the experience in jail had matured him and that he wanted to be permitted to pursue his education. He requested placement on deferred adjudication community supervision. Both appellant and his mother emphasized that he did not actually fire the gun he carried.

The trial court heard this evidence, heard arguments of counsel and considered the pre-sentence report. It then found appellant guilty in each cause and sentenced him to concurrent sentences of eight years of imprisonment.

Appellant's counsel on appeal expresses his opinion in the *Anders* brief that nothing in the record establishes reversible error and the appeals are frivolous. The brief discusses the case background for each cause and the evidence presented. Counsel discusses grounds of potential error but concludes the trial court did not err. Counsel has demonstrated that he has provided to appellant a copy of the brief, the motion to withdraw, and the clerk's and reporter's records, and has notified him of his right to file a *pro se* response to the brief. *Kelly v. State,* 436 S.W.3d 313 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d at 408. He also notified appellant of his right to file a petition for discretionary review if this Court affirms the trial court's judgments. *In re Schulman,* 252 S.W.3d at 408. By letter, this Court also notified appellant of his opportunity to submit a response to the *Anders* brief and motion to withdraw filed by his counsel. Appellant did not file a response.

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

Accordingly, we have reviewed the entire record. Our review satisfies us that appellate counsel conducted the required evaluation of the record. We also have made an independent examination of the record to determine whether there are any arguable grounds which might support the appeal in any of the causes. We agree it presents no arguably meritorious grounds for review. Accordingly, we grant counsel's motion to withdraw in each case[3] and affirm the judgments of the trial court. TEX. R. APP. P. 43.2(b).

James T. Campbell
Justice

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[3] 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. TEX. R. APP. P. 48.4.