



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

No. 07-17-00385-CR

DAMIAN MERRICK, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 355th District Court
Hood County, Texas
Trial Court No. CR13374, Honorable Ralph H. Walton, Jr., Presiding

January 15, 2019

MEMORANDUM OPINION

Before **QUINN, C.J.**, and **CAMPBELL** and **PARKER, JJ.**

Damian Merrick, appellant, appeals the trial court's judgment by which he was convicted of indecency with a child by contact and sentenced to twenty years' imprisonment. Appellant timely appealed said conviction and was appointed counsel.¹

¹ Because this appeal was transferred from the Second Court of Appeals, we are obligated to apply its precedent when available in the event of a conflict between the precedents of that court and this Court. See TEX. R. APP. P. 41.3.

Appointed counsel filed a motion to withdraw and an *Anders*² brief in the cause. Through those documents, counsel certified that, after he diligently searched the record, the appeal was without merit. Accompanying the brief and motion is a copy of a letter informing appellant of counsel's belief that there was no reversible error and of appellant's right to file a response, pro se. So too did the letter indicate that a copy of the appellate record was provided to appellant. This Court also sent a notice to appellant, informing him that, should he choose to file a pro se response, he will need to do so no later than February 7, 2018. To date, appellant has not filed a pro se response.

In compliance with the principles enunciated in *Anders*, appellate counsel discussed potential areas for appeal, which included examination of several stages of the proceeding and explanation as to why no error was presented in those stages. In addition, we conducted our own review of the record to assess the accuracy of counsel's conclusions and to uncover any arguable error pursuant to *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008), and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991) (en banc). No such arguable error was uncovered.

Accordingly, the motion to withdraw is granted, and the judgment is affirmed.³

Per Curiam

Do not publish.

² See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

³ Appellant has the right to file a petition for discretionary review with the Texas Court of Criminal Appeals.