



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-17-00169-CR

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KEVIN DARNELL HURNDON, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 188th District Court  
Gregg County, Texas  
Trial Court No. 45658-A

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Before Morriss, C.J., Moseley and Burgess, JJ.  
Memorandum Opinion by Chief Justice Morriss

## MEMORANDUM OPINION

Kevin Darnell Hurndon entered an open plea of guilty to habitual theft, a state jail felony. *See* TEX. PENAL CODE ANN. § 31.03(e)(4)(D) (West Supp. 2017). The trial court found Hurndon guilty and sentenced him to six months' confinement in state jail. Hurndon appeals.

Hurndon's attorney has filed a brief which states that he has reviewed the record and has found no genuinely arguable issues that could be raised on appeal. The brief sets out the procedural history of the case and summarizes the evidence elicited during the course of the trial court proceedings. To meet the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

On November 16, 2017, counsel mailed copies of the brief and the motion to withdraw to Hurndon. Hurndon was also informed of his rights to review the record and file a pro se response, and was provided with a motion for pro se access to the appellate record lacking only his signature. By letter dated November 21, 2017, this Court informed Hurndon that his motion for pro se access to the appellate record was due on or before December 1, 2017. On December 8, 2017, this Court granted Hurndon's motion for pro se access to the appellate record and further informed him that his pro se response was due on or before January 8, 2018. On January 22, 2018, we notified

Hurndon that the case would be set for submission on the briefs on February 12, 2018. We received neither a pro se response from Hurndon nor a motion requesting an extension of time in which to file such a response.

We have determined that this appeal is wholly frivolous. We have independently reviewed the entire appellate record and, like counsel, have determined that no arguable issue supports an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). In the *Anders* context, once we determine that the appeal is without merit, we must affirm the trial court’s judgment. *Id.*

We affirm the judgment of the trial court.<sup>1</sup>

Josh R. Morriss, III  
Chief Justice

Date Submitted: February 12, 2018  
Date Decided: February 14, 2018

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<sup>1</sup>Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel’s request to withdraw from further representation of Hurndon in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should Hurndon desire to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.