



IN THE
TENTH COURT OF APPEALS

No. 10-11-00047-CR

SHAWN DUNN,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 52nd District Court
Coryell County, Texas
Trial Court No. FR-10-20260

MEMORANDUM OPINION

A jury found Shawn Dunn guilty of the felony offense of aggravated robbery with a deadly weapon, and the trial court assessed a seventy-year prison sentence. Dunn appealed. Dunn's appointed appellate counsel has filed a motion to withdraw and an *Anders* brief, asserting that he has diligently reviewed the appellate record and that, in his opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967).

In an *Anders* case, we must, "after a full examination of all the proceedings, []

decide whether the case is wholly frivolous.” *Anders*, 386 U.S. at 744, 87 S.Ct. at 1400; accord *Stafford v. State*, 813 S.W.2d 503, 509-11 (Tex. Crim. App. 1991). An appeal is “wholly frivolous” or “without merit” when it “lacks any basis in law or fact.” *McCoy v. Court of Appeals*, 486 U.S. 429, 439 n.10, 108 S.Ct. 1895, 1902 n.10, 100 L.Ed.2d 440 (1988).

Dunn filed a *pro se* response to the *Anders* brief.¹ We find that it does not raise any potentially arguable issues. And we have conducted an independent review of the record, and because we find this appeal to be wholly frivolous, we affirm the judgment. Counsel must send Dunn a copy of our decision by certified mail, return receipt requested, at Dunn’s last known address. TEX. R. APP. P. 48.4. Counsel must also notify Dunn of his right to file a *pro se* petition for discretionary review. *Id.*; see also *Ex parte Owens*, 206 S.W.3d 670, 673-74 (Tex. Crim. App. 2006). We grant counsel’s motion to withdraw, effective upon counsel’s compliance with this notification requirement as evidenced by “a letter [to this Court] certifying his compliance.” See TEX. R. APP. P. 48.4.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Affirmed; motion to reverse denied
Opinion delivered and filed March 21, 2012
Do not publish
[CRPM]

¹ Dunn’s *pro se* motion to reverse conviction for improper grand jury procedures is denied.