



IN THE
TENTH COURT OF APPEALS

No. 10-11-00232-CR

JAMIE LEE HEWETT,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 220th District Court
Bosque County, Texas
Trial Court No. 11-02-14500-BCCR

MEMORANDUM OPINION

Jamie Lee Hewett was found guilty of the state-jail felony offense of evading arrest in a motor vehicle and was assessed a twenty-four months' sentence in state jail and a \$1,000 fine. Hewett appealed.

Hewett'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). Although informed of his right to do so, Hewett did not file a *pro*

se response to the *Anders* brief.

In an *Anders* case, we must, “after a full examination of all the proceedings, ... decide whether the case is wholly frivolous.” *Id.* 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). We have conducted an independent review of the record, and because we find this appeal to be wholly frivolous, we affirm the judgment.

We grant appointed counsel’s amended motion to withdraw from representation of Hewett. Notwithstanding this grant, appointed counsel **must** send Hewett a copy of our decision, notify him of his right to file a pro se petition for discretionary review, and send this Court a letter certifying counsel’s compliance with Texas Rule of Appellate Procedure 48.4. TEX. R. APP. P. 48.4; see also *Ex parte Owens*, 206 S.W.3d 670, 673-74 (Tex. Crim. App. 2006).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed
Opinion delivered and filed April 25, 2012
Do not publish
[CR25]