



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00398-CR

LLOYD CHRISTIAN HAMILL,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 361st District Court
Brazos County, Texas
Trial Court No. 10-05656-CRF-361**

MEMORANDUM OPINION

Appellant Lloyd Hamill was found guilty of the offense of tampering with a witness, which was prosecuted as a state-jail felony. The jury assessed a two-year state-jail sentence and recommended community supervision. The trial court sentenced Appellant accordingly but added ninety-days incarceration in the Brazos County jail and 250 hours of community service.

Appellant'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). Appellant filed a *pro se* response to the *Anders* brief, but we conclude that it raises no non-frivolous issues.

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 motion to withdraw from representation of Appellant. Notwithstanding this grant, appointed counsel **must** send Appellant 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 September 18, 2014
Do not publish
[CR25]

