



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-18-00008-CR

DUSTIN SCOTT HARWELL,

Appellant

v.

THE STATE OF TEXAS,

Appellee

\_\_\_\_\_  
From the 21st District Court  
Burleson County, Texas  
Trial Court No. 15,391

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MEMORANDUM OPINION

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The trial court convicted Dustin Scott Harwell of the offense of burglary of a habitation and assessed punishment at fifteen years confinement. We affirm.

Harwell's appointed counsel filed 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 (1967). Counsel informed Harwell of his right to submit a brief on his own behalf. Harwell did not file a brief. Counsel's brief evidences a professional

evaluation of the record for error, and we conclude that counsel performed the duties required of appointed counsel. See *Anders v. California*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978); see also *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008).

In reviewing an *Anders* appeal, we must, "after a full examination of all the proceedings, ... decide whether the case is wholly frivolous." See *Anders v. California*, 386 U.S. at; 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 (1988). After a review of the entire record in this appeal, we determine the appeal to be wholly frivolous. See *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Accordingly, we affirm the trial court's judgments.

Counsel's request that he be allowed to withdraw from representation of Harwell is granted. Additionally, counsel must send Harwell a copy of our decision, notify Harwell 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 *In re Schulman*, 252 S.W.3d at 409 n.22.

AL SCOGGINS  
Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Affirmed; motion granted

Opinion delivered and filed September 12, 2018

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