



IN THE  
TENTH COURT OF APPEALS

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No. 10-19-00289-CR

HAROLD ALLEN SHELBY,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 66th District Court  
Hill County, Texas  
Trial Court No. F317-19

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MEMORANDUM OPINION

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Harold Allen Shelby was convicted of Aggravated Assault by Threat and Aggravated Assault, both with a deadly weapon, and sentenced to 50 years in prison for each count. We affirm the trial court's judgments.

Shelby's appointed counsel filed a motion to withdraw and an *Anders* brief in support of the motion asserting that counsel has diligently reviewed the appellate record and that, in counsel's opinion, the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). Counsel's brief evidences a professional evaluation of the record for error and compliance with the other duties of

appointed counsel. We conclude that counsel has performed the duties required of appointed counsel. See *Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. 1978); see also *Kelly v. State*, 436 S.W.3d 313, 319-320 (Tex. Crim. App. 2014); *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." *Anders*, 386 U.S. at 744; see *Penson v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988); 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, 100 L. Ed. 2d 440 (1988). In our review, we have paid particular attention to the issues identified in appellant's *pro se* response to counsel's brief in support of the motion to withdraw. After a review of the entire record in this appeal, we have determined 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 judgment.

Counsel's motion to withdraw from representation of Shelby is granted.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Neill

Affirmed  
Motion granted  
Opinion delivered and filed August 17, 2020  
Do not publish  
[CRPM]

Shelby v. State

