



IN THE
TENTH COURT OF APPEALS

No. 10-19-00313-CR

MICHALL LEE LUNA,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 440th District Court
Coryell County, Texas
Trial Court No. 19-25341

MEMORANDUM OPINION

Michall Lee Luna was convicted of unlawful possession of a controlled substance under one gram. *See* TEX. HEALTH & SAFETY CODE ANN. § 481.115(b) (West 2017). We affirm the trial court's judgment.

Luna's appointed counsel filed a motion to withdraw and an *Anders* brief in support of the motion 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’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, 319-20 (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 (1988); *accord Stafford v. State*, 813 S.W.3d 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 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 Luna is granted.

JOHN E. NEILL
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Affirmed; motion granted
Opinion delivered and filed August 5, 2020
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