

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-12-00848-CR

Lou Ann Tompkins, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. D-1-DC-11-300196, HONORABLE JON N. WISSER, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Lou Ann Tompkins pled not guilty to the charge of murder in a bench trial. Tex. Penal Code § 19.02(b)(1). The court found appellant guilty of murder and assessed appellant's punishment at thirty years imprisonment. Appellant's appointed attorney has filed a brief concluding that the appeal is frivolous and without merit.

Counsel's brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988); *Anders*, 386 U.S. at 743-44; *High v. State*, 573 S.W.2d 807, 811-13 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684, 684 (Tex. Crim. App. 1974); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Appellant's attorney sent appellant a copy of the brief and advised her that she had the right to examine the record and file a pro se brief. *See Anders*, 386 U.S. at 744; *Jackson v. State*,

485 S.W.2d 553, 553 (Tex. Crim. App. 1972). Although appellant requested additional time to file a pro se brief, that time has long since run and no pro se brief has been filed.

After reviewing the evidence presented to the trial court and the procedures that were observed, we have found nothing in the record that might arguably support the appeal. We agree with counsel that the appeal is frivolous and without merit. We grant counsel's motion to withdraw and affirm the judgment of conviction.¹

David Puryear, Justice

Before Justices Puryear, Goodwin and Rose

Affirmed

Filed February 28, 2014

Do Not Publish

¹ No substitute counsel will be appointed. Should appellant wish to seek further review of his case by the court of criminal appeals, she must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. *See generally* Tex. R. App. P. 68-79 (governing proceedings in the Texas Court of Criminal Appeals). Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the date this Court overrules the last timely motion for rehearing filed. *See* Tex. R. App. P. 68.2. The petition must be filed with this Court, after which it will be forwarded to the court of criminal appeals along with the rest of the filings in the cause. *See* Tex. R. App. P. 68.3, 68.7. Any petition for discretionary review should comply with rules 68.4 and 68.5 of the rules of appellate procedure. *See* Tex. R. App. P. 68.4, 68.5.