

**NO. 12-14-00040-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

**LAWRENCE KELVIN WALKER, JR.,  
APPELLANT**

§ **APPEAL FROM THE 114TH**

**V.**

§ **JUDICIAL DISTRICT COURT**

**THE STATE OF TEXAS,  
APPELLEE**

§ **SMITH COUNTY, TEXAS**

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**MEMORANDUM OPINION  
PER CURIAM**

Lawrence Kelvin Walker, Jr. appeals his conviction for indecency with a child by sexual contact. Appellant’s counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). Appellant filed a pro se response. We affirm.

**BACKGROUND**

Appellant was charged by indictment with indecency with a child by sexual contact and pleaded “not guilty.” The jury found Appellant “guilty” as charged, and the matter proceeded to a trial on punishment. The jury assessed Appellant’s punishment at imprisonment for twenty years. This appeal followed.

**ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA***

Appellant’s counsel filed a brief in compliance with *Anders v. California* and *Gainous v. State*. Appellant’s counsel relates that he has reviewed the record and concluded that it contains no jurisdictional defects and no reversible error to present for our review. In compliance with *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978), Appellant’s brief

contains a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced.

Appellant contends in his pro se response that he is entitled to an acquittal or a new trial because (1) certain witnesses gave false testimony, (2) his trial counsel's assistance was ineffective, (3) his appellate counsel's assistance was ineffective, (4) his indictment is defective, (5) certain witnesses were incompetent, (6) the State suppressed evidence favorable to his defense, (7) the trial court erred by denying his motion for a continuance, (8) the State introduced evidence of prior convictions obtained without assistance of counsel, (9) certain evidence was inconsistent, (10) certain jurors were biased, (11) one of the prosecutors was biased, (12) a conflict of interest existed between him and his trial counsel, (13) his right to compulsory process for obtaining witnesses was denied, (14) his right to cross-examine a witness was denied, (14) the State violated his motion in limine, and (15) the evidence is insufficient to support his conviction.

When faced with an *Anders* brief and a pro se response by an appellant, an appellate court can either (1) determine that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error or (2) determine that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

### **Conclusion**

After conducting an independent examination of the record, we find no reversible error and conclude that the appeal is wholly frivolous. Accordingly, we *affirm* the judgment of the trial court.

As required by *Anders* and *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991), Appellant's counsel has moved for leave to withdraw. *See also In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008) (orig. proceeding). We carried the motion for consideration with the merits and now *grant* counsel's motion for leave to withdraw.

Appellant's counsel has a duty to, within five days of the date of this opinion, send a copy of the opinion and judgment to Appellant and advise him of his right to file a petition for discretionary review. *See* TEX. R. APP. P. 48.4; *In re Schulman*, 252 S.W.3d at 411 n.35. Should Appellant wish to seek review of these cases by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review on his behalf or he must

file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of this court's judgment or the date the last timely motion for rehearing was overruled by this court. See TEX. R. APP. P. 68.2(a). Any petition for discretionary review must be filed with the Texas Court of Criminal Appeals. See TEX. R. APP. P. 68.3(a). Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. See *In re Schulman*, 252 S.W.3d at 408 n.22.

Opinion delivered February 3, 2016.

*Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.*

(DO NOT PUBLISH)



**COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT OF TEXAS**

**JUDGMENT**

**FEBRUARY 3, 2016**

**NO. 12-14-00040-CR**

**LAWRENCE KELVIN WALKER, JR.,**  
Appellant  
V.  
**THE STATE OF TEXAS,**  
Appellee

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Appeal from the 114th District Court  
of Smith County, Texas (Tr.Ct.No. 114-1268-13)

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THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that Appellant's counsel's motion to withdraw is **granted**, the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

By *per curiam* opinion.  
*Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.*