

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

Herman Lee Kindred v. The State of Texas

No. 03-24-00473-CR · No. 03-24-00473-CR · Decided March 20, 2026

SUMMARY

The Texas Court of Appeals, Third District, reviewed an Anders appeal from Herman Lee Kindred’s conviction for assault family violence and one-year county-jail sentence. The court found no reversible error or arguable grounds for review, granted appointed counsel’s motion to withdraw, and affirmed the trial court’s judgment.

CASE DETAILS

COURT	Texas Court of Appeals, Third District, at Austin
WRITING FOR THE COURT	Maggie Ellis, Justice; Chief Justice Byrne; Justice Crump; Justice Ellis
JURISDICTION	Texas Court of Appeals, Third District, at Austin
DECIDED	March 20, 2026
DOCKET	03-24-00473-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appellant challenged his conviction for assault family violence after a jury found him guilty and the trial court sentenced him to one year in county jail. Appointed appellate counsel filed an Anders motion to withdraw and brief asserting that the appeal was frivolous. Appellant filed a pro se response, and the court independently reviewed the record.
STANDARD OF REVIEW	In an Anders appeal, the appellate court independently reviews the entire record, including appellate counsel's brief and any pro se response, to determine whether reversible error or an arguably meritorious ground for review exists.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do Not Publish.
PARTIES	Herman Lee Kindred v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

criminal appellate procedure

criminal procedure

QUESTIONS PRESENTED

1. Whether appointed appellate counsel satisfied the requirements of *Anders v. California* by filing a brief demonstrating that the record presented no arguable grounds for appeal and by advising appellant of his rights.
2. Whether the appellate record contained reversible error or any arguably meritorious ground for review.
3. Whether counsel's motion to withdraw should be granted and the judgment of conviction affirmed.

HOLDINGS

1. Appointed appellate counsel satisfied the requirements of *Anders* by providing a professional evaluation of the record, filing a motion to withdraw and supporting brief, providing the materials to appellant, and advising appellant of his rights to review the record, file a pro se brief, and seek discretionary review.
2. The record contained no reversible error and presented no arguably meritorious grounds for review; the appeal was frivolous.

KEY QUOTATIONS

“We have conducted an independent review of the record, including the record of the proceedings below, appellate counsel’s brief, and appellant’s pro se response, and we find no reversible error.” (2)

“We agree with counsel that the record presents no arguably meritorious grounds for review, and the appeal is frivolous.” (2)

FACTUAL BACKGROUND

A jury found Herman Lee Kindred guilty of assault family violence. The trial court sentenced him to one year in county jail. Appointed appellate counsel reviewed the record, concluded that the appeal was frivolous and without merit, and filed an *Anders* motion to withdraw supported by a brief.

PROCEDURAL HISTORY

The County Court at Law No. 2 of Bell County entered the judgment of conviction after a jury trial and imposed a one-year county-jail sentence. On appeal, appointed counsel moved to withdraw under *Anders v. California* and filed a brief identifying no arguable grounds for appeal. After reviewing the record, counsel's brief, and appellant's pro se response, the court granted the motion to withdraw and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744 (1967)
- *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009)
- *Penson v. Ohio*, 488 U.S. 75, 81–82 (1988)
- *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014)
- *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005)

OPINION

PER CURIAM.

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN NO. 03-24-00473-CR Herman Lee Kindred, Appellant v. The State of Texas, Appellee FROM THE COUNTY COURT AT LAW NO. 2 OF BELL COUNTY NO. 24CCR01048, THE HONORABLE JOHN MICHAEL MISCHTIAN, JUDGE PRESIDING MEMORANDUM OPINION A jury found Herman Lee Kindred guilty of assault family violence, and the trial court sentenced him to one year in county jail.

See Tex. Penal Code § 22.01(a)(1). Appellant’s court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. See 386 U.S. 738, 744 (1967); *Garner v. State*, 300 S.W.3d 763, 766 (Tex.

Crim. App. 2009); see also *Penson v. Ohio*, 488 U.S. 75, 81–82 (1988). Appellant’s counsel has certified to this Court that she sent copies of the motion and brief to appellant, provided a motion to assist appellant in obtaining the appellate record, and advised appellant of his rights to examine the appellate record, file a pro se brief, and pursue discretionary review following the resolution of the appeal in this Court.

See *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014); see also *Anders*, 386 U.S. at 744. Appellant filed a pro se response with the Court on July 9, 2025. We have conducted an independent review of the record, including the record of the proceedings below, appellate counsel’s brief, and appellant’s pro se response, and we find no reversible error.

See *Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766; *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). We agree with counsel that the record presents no arguably meritorious grounds for review, and the appeal is frivolous. Counsel’s motion to withdraw is granted.

The trial court’s judgment of conviction is affirmed.

Maggie Ellis, Justice Before Chief Justice
Byrne, Justices Crump and Ellis Affirmed Filed: March 20, 2026 Do Not Publish 2

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