

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.

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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