

COURT OF APPEALS FOR THE FIRST DISTRICT OF TEXAS

Brian Ward Coulter v. The State of Texas

No. 01-24-00304-CR · No. 01-24-00304-CR · Decided December 18, 2025

SUMMARY

The First Court of Appeals of Texas reviewed Brian Ward Coulter’s Anders appeal from a capital-murder conviction and life-without-parole sentence. The court found no reversible error or arguable grounds for review, affirmed the trial court’s judgment, and granted appointed counsel’s motion to withdraw.

CASE DETAILS

COURT	Court of Appeals for the First District of Texas
WRITING FOR THE COURT	Per Curiam; Amparo "Amy" Guerra; Caughey; Dokupil
JURISDICTION	Court of Appeals for the First District of Texas
DECIDED	December 18, 2025
DOCKET	01-24-00304-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Coulter appealed his capital-murder conviction and life-without-parole sentence. His appointed appellate counsel filed an Anders brief and a motion to withdraw, asserting that the appeal was frivolous and presented no reversible error.
STANDARD OF REVIEW	In an Anders appeal, the reviewing court independently examines the entire record to determine whether arguable grounds for review or reversible error exist; counsel's conclusion that the appeal is frivolous is not itself determinative.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Brian Ward Coulter v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure
- right to counsel
- standard of review
- preservation of error

PRACTICE AREAS

- criminal appellate procedure
- Anders appeals
- capital murder

QUESTIONS PRESENTED

1. Whether appointed appellate counsel satisfied the requirements for withdrawal under *Anders v. California* by filing a brief that professionally evaluated the record and identified no arguable grounds for reversal.
2. Whether the appellate court's independent review of the entire record disclosed any reversible error or arguable grounds for review.
3. Whether appointed counsel's motion to withdraw should be granted.

HOLDINGS

1. In an *Anders* appeal, the reviewing court—not appointed counsel—must independently examine the entire record to determine whether any arguable grounds for review or reversible error exist.
2. Counsel's *Anders* brief and motion to withdraw complied with the *Anders* requirements because counsel professionally evaluated the record, provided record references and legal authority, informed Coulter of his rights, and provided access to the appellate record.
3. The record contained no reversible error and presented no arguable grounds for review; the appeal was frivolous.

KEY QUOTATIONS

“We have independently reviewed the entire record, and we conclude that no reversible error exists in the record, there are no arguable grounds for review, and the appeal is frivolous.” (at 2)

“We note that appellant may challenge a holding that there are no arguable grounds for an appeal by filing a petition for discretionary review in the Texas Court of Criminal Appeals.” (at 2)

FACTUAL BACKGROUND

A court found Brian Ward Coulter guilty of the felony offense of capital murder. The trial court assessed punishment at confinement for life without the possibility of parole. On appeal, appointed counsel reviewed the record and concluded that no reversible error or arguable ground for review existed.

PROCEDURAL HISTORY

The 178th District Court of Harris County found Coulter guilty of capital murder and assessed punishment at confinement for life without the possibility of parole. Coulter timely appealed. Appointed counsel filed an *Anders* brief and motion to withdraw; Coulter did not file a response. After independently reviewing the entire record, the court affirmed the trial court's judgment and granted counsel's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738, 744-45 (1967)
- *High v. State*, 573 S.W.2d 807, 811-12 (Tex. Crim. App. 1978)
- *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.)
- *Kelly v. State*, 436 S.W.3d 313, 319-22 (Tex. Crim. App. 2014)
- *In re Schulman*, 252 S.W.3d 403, 408-09 (Tex. Crim. App. 2008)
- *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009)
- *Bledsoe v. State*, 178 S.W.3d 824, 826-27, 827 n.6 (Tex. Crim. App. 2005)
- *Ex parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997)

OPINION

Brian Ward Coulter v. the State of Texas

PER CURIAM.

Opinion issued December 18, 2025. In the Court of Appeals for the First District of Texas

NO. 01-24-00304-CR

BRIAN WARD COULTER, Appellant v. THE STATE OF TEXAS, Appellee On Appeal from the 178th District Court Harris County, Texas Trial Court Case No. 1848949

MEMORANDUM OPINION

A court found appellant, Brian Ward Coulter, guilty of the felony offense of capital murder,¹ and the trial court assessed his punishment at confinement for life without the possibility of parole. Appellant timely filed a notice of appeal. Appellant’s appointed counsel on appeal has filed a motion to withdraw, along with a brief stating that the record presents no reversible error and the appeal is without merit and frivolous. See *Anders v. California*, 386 U.S. 738, 744-45 (1967).

Counsel’s brief meets the *Anders* requirements by presenting a professional evaluation of the record and supplying the Court with references to the record and legal authority. See *id.* at 744; see also *High v. State*, 573 S.W.2d 807, 811-12 (Tex. Crim. App. 1978). Counsel indicates that he has thoroughly reviewed the record and is unable to advance any grounds of error that warrant reversal. See *Anders*, 386 U.S. at 744; *Mitchell v. State*, 193 S.W.3d 153, 155 (Tex. App.—Houston [1st Dist.] 2006, no pet.). Counsel has informed the Court that he provided appellant with a copy of his *Anders* brief and motion to withdraw. Counsel also informed appellant of his right to examine the appellate record and file a response to counsel’s *Anders* brief. Further, counsel provided appellant with a copy of the appellate record and a form 1 See TEX. PENAL CODE § 19.03(a)(8). 2 motion to access the appellate record.2 See *Kelly v. State*, 436 S.W.3d 313, 319–20 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008). Appellant has not filed a response to his counsel’s *Anders* brief. We have independently reviewed the entire record, and we conclude that no reversible error exists in the record, there are no arguable grounds for review, and the appeal is frivolous. See *Anders*, 386 U.S. at 744 (emphasizing reviewing court—and not counsel—determines, after full examination of proceedings, whether appeal is wholly

frivolous); *Garner v. State*, 300 S.W.3d 763, 767 (Tex. Crim. App. 2009) (stating that reviewing court must determine whether arguable grounds for review exist); *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (same); *Mitchell*, 193 S.W.3d at 155 (stating that reviewing court determines whether arguable grounds exist by reviewing entire record). We note that appellant may challenge a holding that there are no arguable grounds for an appeal by filing a petition for discretionary review in the Texas Court of Criminal Appeals. See *Bledsoe*, 178 S.W.3d at 827 & n.6. 2 This Court also notified appellant that counsel had filed an Anders brief and a motion to withdraw, and informed appellant that he had a right to examine the appellate record and file a response to his counsel’s Anders brief. And this Court provided appellant with a form motion to access the appellate record. See *Kelly v. State*, 436 S.W.3d 313, 319–22 (Tex. Crim. App. 2014); *In re Schulman*, 252 S.W.3d 403, 408-09 (Tex. Crim. App. 2008). 3 Conclusion We affirm the judgment of the trial court and grant appellant’s appointed counsel’s motion to withdraw.3 Attorney Terrence Gaiser must immediately send appellant the required notice and file a copy of the notice with the Clerk of this Court. See TEX. R. APP. P. 6.5(c). We dismiss any other pending motions as moot. Amparo “Amy” Guerra Justice Panel consists of Justices Guerra, Caughey, and Dokupil. Do not publish. TEX. R. APP. P. 47.2(b). 3 Appellant’s counsel still has a duty to inform appellant of the result of the appeal and that appellant may, on his own, pursue discretionary review in the Texas Court of Criminal Appeals. See *Ex parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997). 4