



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

NO. 2-08-409-CR

ANTHONY CHINOYE MADU

APPELLANT

V.

THE STATE OF TEXAS

STATE

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FROM THE 396TH DISTRICT COURT OF TARRANT COUNTY

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**MEMORANDUM OPINION<sup>1</sup>**

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After waiving a jury and entering an open plea of guilty, appellant Anthony Chinoye Madu appeals his conviction and twenty-five-year sentence for aggravated sexual assault of a child. We affirm.

Appellant's court-appointed appellate counsel has filed a motion to withdraw as counsel and a brief in support of that motion. In the brief, counsel

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<sup>1</sup> [...](#) See Tex. R. App. P. 47.4.

avers that, in his professional opinion, the appeal is frivolous. Counsel's brief and motion meet the requirements of *Anders v. California*<sup>2</sup> by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. We gave appellant the opportunity to file a pro se brief, and he has filed one. The State has not filed a brief.

Once an appellant's court-appointed attorney files a motion to withdraw on the ground that the appeal is frivolous and fulfills the requirements of *Anders*, this court is obligated to undertake an independent examination of the record.<sup>3</sup> Only then may we grant counsel's motion to withdraw.<sup>4</sup>

We have carefully reviewed the record, counsel's brief, and appellant's pro se brief. We agree with counsel that this appeal is wholly frivolous and without merit; we find nothing in the record that might arguably support the

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<sup>2</sup> [...](#) 386 U.S. 738, 87 S. Ct. 1396 (1967).

<sup>3</sup> [...](#) See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays v. State*, 904 S.W.2d 920, 922–23 (Tex. App.—Fort Worth 1995, no pet.).

<sup>4</sup> [...](#) See *Penson v. Ohio*, 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

appeal.<sup>5</sup> Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

PER CURIAM

PANEL: CAYCE, C.J.; GARDNER and WALKER, JJ.

DO NOT PUBLISH  
Tex. R. App. P. 47.2(b)

DELIVERED: November 25, 2009

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<sup>5</sup> [...](#) See *Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005); see also *Meza v. State*, 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006).