



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-16-00137-CR

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DAVID FRESCAS GONZALEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 297th District Court  
Tarrant County, Texas  
Trial Court No. 1364377D

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Before Morriss, C.J., Moseley and Burgess, JJ.  
Memorandum Opinion by Justice Moseley

## MEMORANDUM OPINION

David Frescas Gonzalez appeals his conviction for continuous sexual abuse of a child under the age of fourteen. *See* TEX. PENAL CODE ANN. § 21.02 (West Supp. 2016). Gonzalez was sentenced to twenty-five years' imprisonment.<sup>1</sup>

Gonzalez' appellate attorney has filed a brief which discusses the record and reviews the proceedings in detail. The brief sets out the procedural history and summarizes the evidence elicited during the course of the proceeding. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel has also filed a motion with this Court seeking to withdraw as counsel in this appeal.

Counsel provided Gonzalez with a copy of the brief and the motion to withdraw. Counsel also informed Gonzalez of his right to review the record and file a pro se response. This Court provided Gonzalez with a copy of the appellate record on November 8, 2016. We received neither a pro se response from Gonzalez nor a motion requesting an extension of time in which to file such a response.

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<sup>1</sup>Originally appealed to the Second Court of Appeals, this case was transferred to this Court by the Texas Supreme Court pursuant to Section 73.001 of the Texas Government Code. *See* TEX. GOV'T CODE ANN. § 73.001 (West 2013). We are unaware of any conflict between precedent of the Second Court of Appeals and that of this Court on any relevant issue. *See* TEX. R. APP. P. 41.3.

We have determined that this appeal is wholly frivolous. We have independently reviewed the entire appellate record, and we agree that no arguable issue supports an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). In the *Anders* context, once we determine that the appeal is without merit, we must either dismiss the appeal or affirm the trial court’s judgment. *See Anders*, 386 U.S. 738.

We affirm the judgment of the trial court.<sup>2</sup>

Bailey C. Moseley  
Justice

Date Submitted: February 14, 2017  
Date Decided: March 17, 2017

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<sup>2</sup>Since we agree that this case presents no reversible error, we also, in accord with *Anders*, grant counsel’s request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.