

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-01-00386-CR**

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**Marcelino Martinez, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT  
NO. 20,272-CR, HONORABLE EDWARD P. MAGRE, JUDGE PRESIDING**

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A jury found appellant Marcelino Martinez guilty of aggravated sexual assault of a child and assessed punishment at imprisonment for eighteen years. *See* Tex. Pen. Code Ann. § 22.021 (West Supp. 2002). Appellant's retained attorney filed a brief concluding that the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). A copy of counsel's brief was delivered to appellant.

We have reviewed the record and counsel's brief and agree that the appeal is frivolous and without merit. Counsel's motion to withdraw is granted.

The judgment of conviction is affirmed.

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David Puryear, Justice

Before Justices Kidd, Patterson and Puryear

Affirmed

Filed: April 18, 2002

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