

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-12-00490-CR
NO. 03-12-00491-CR**

Darius Shundale Dohnalik, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF BURNET COUNTY, 33RD JUDICIAL DISTRICT
NOS. 35481 & 38047, HONORABLE GUILFORD L. JONES III, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Darius Shundale Dohnalik pled guilty to the offense of attempted burglary of a habitation with intent to commit assault, and the trial court placed him on deferred adjudication community supervision for eight years. In a separate cause, Dohnalik pled guilty to the offense of aggravated sexual assault of a child, and the trial court placed him on deferred adjudication community supervision for ten years. The State subsequently filed a motion to adjudicate, alleging Dohnalik's multiple violations of the terms and conditions of his community supervision, including failing to register as a sex offender and committing the new offense of driving without a valid driver's license. After a hearing—at which Dohnalik pled true to the State's allegations in both causes—the trial court found the State's allegations to be true, adjudicated Dohnalik's guilt for both offenses, and sentenced him to eight years' imprisonment for the attempted burglary and twenty-five years' imprisonment for the aggravated sexual assault. Dohnalik appealed both convictions.

Dohnalik's court-appointed attorney has filed a motion to withdraw supported by a brief in each cause concluding that the appeals are frivolous and without merit. The briefs meet the requirements of *Anders v. California*, 386 U.S. 738, 744 (1967), by presenting a professional evaluation of the records demonstrating why there are no arguable grounds to be advanced. *See also Penson v. Ohio*, 488 U.S. 75, 80 (1988); *High v. State*, 573 S.W.2d 807, 811-13 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684, 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553, 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Dohnalik was sent copies of counsel's briefs and advised of his right to examine the appellate records and to file a pro se brief. *See Anders*, 386 U.S. at 744. No pro se brief has been filed and no extension of time was requested.

We have reviewed the records in both causes and find no reversible error. *See Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009); *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We agree with counsel that the appeals are frivolous. Counsel's motion to withdraw from both causes is granted. The judgments of conviction are affirmed.

Jeff Rose, Justice

Before Justices Puryear, Pemberton and Rose

Affirmed

Filed: January 30, 2013

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