

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

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**NO. 03-16-00136-CV**

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**In the Matter of I. P.**

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**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 391ST JUDICIAL DISTRICT  
NO. D-15-0039-J, HONORABLE THOMAS J. GOSSETT, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

**PER CURIAM**

I.P. appeals his delinquent-child adjudication and disposition after the trial court found he engaged in two counts of the following delinquent conduct: indecency with a child by contact. *See* Tex. Penal Code § 21.11(a)(1). I.P.’s court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967). In his brief, counsel certifies that in his professional opinion the case presents “no arguable points of error.” Based on our review of the record filed by appellant, however, we find an arguable appellate issue exists as to the sufficiency of the evidence supporting the trial court’s finding beyond a reasonable doubt that I.P.’s contact with the child was “committed with the intent to arouse or gratify the sexual desire of any person” such that it constituted “sexual contact.” *See* Tex. Penal Code § 21.11(c). We conclude that this issue merits further briefing. *See Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005).

We may not address the merits of any arguable ground for appeal until the issue has been briefed by new counsel. *Id.* Accordingly, this appeal is abated. The trial court is instructed to appoint substitute counsel to file a brief developing the arguable issue we have identified as well as any other issue that counsel deems meritorious. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). Present counsel's motion to withdraw is granted. *See id.* A copy of the order appointing substitute counsel shall be forwarded to this Court no later than November 4, 2016. Substitute counsel's brief will be due no later than thirty days after the date of appointment.

Before Justices Puryear, Pemberton, and Field

Abated

Filed: October 20, 2016