

Opinion filed June 28, 2012



In The

# Eleventh Court of Appeals

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No. 11-11-00204-CR

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**TELESFORO ORIGINALES GALAN A/K/A TED GALAN, Appellant**

**V.**

**STATE OF TEXAS, Appellee**

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**On Appeal from the 238th District Court**

**Midland County, Texas**

**Trial Court Cause No. CR37225**

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## **MEMORANDUM OPINION**

Telesforo Originales Galan a/k/a Ted Galan entered an open plea of guilty to the offenses of continuous sexual abuse of a young child and sexual assault of a child. After accepting appellant's pleas of guilty and receiving evidence pertaining to punishment, the trial court assessed his punishment at confinement for life in the Institutional Division of the Texas Department of Criminal Justice for the offense of continuous sexual abuse of a young child and at confinement for a term of twenty years in the Institutional Division for the offense of sexual assault of a child, with the two sentences to be served consecutively. We dismiss the appeal.

Appellant's court-appointed counsel has filed a motion to withdraw. The motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and states that he has concluded that the appeal is frivolous. Counsel has provided appellant with a copy of the brief and advised appellant of his right to review the record and file a response to counsel's brief. A response has not been filed.<sup>1</sup> Court-appointed counsel has complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967); *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969); and *Eaden v. State*, 161 S.W.3d 173 (Tex. App.—Eastland 2005, no pet.).

Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, and we agree that the appeal is without merit and should be dismissed. *Schulman*, 252 S.W.3d at 409.

We note that counsel has the responsibility to advise appellant that he may file a petition for discretionary review with the clerk of the Texas Court of Criminal Appeals seeking review by that court. TEX. R. APP. P. 48.4 (“In criminal cases, the attorney representing the defendant on appeal shall, within five days after the opinion is handed down, send his client a copy of the opinion and judgment, along with notification of the defendant’s right to file a *pro se* petition for discretionary review under Rule 68.”). Likewise, this court advises appellant that he may file a petition for discretionary review pursuant to TEX. R. APP. P. 68.

The motion to withdraw is granted, and the appeal is dismissed.

PER CURIAM

June 28, 2012

Do not publish. See TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,  
McCall, J., and Hill.<sup>2</sup>

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<sup>1</sup>By letter, this court initially granted appellant thirty days in which to exercise his right to file a response to counsel's brief and motion to withdraw with the response due for filing on or before January 11, 2012. The court subsequently granted four motions for extension of time filed by appellant for the filing of his response. On April 12, 2012, this court notified appellant in writing that his response would be due on June 18, 2012, and that no further extensions would be granted. Appellant has not filed his response by the deadline of June 18, 2012.

<sup>2</sup>John G. Hill, Former Chief Justice, Court of Appeals, 2nd District of Texas at Fort Worth, sitting by assignment.