

**Affirmed and Opinion Filed June 29, 2018**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-17-00034-CR**

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**JOSEPH TODD SMITH, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 366th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 366-80590-2016**

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**MEMORANDUM OPINION**

Before Justices Francis, Fillmore, and Whitehill  
Opinion by Justice Francis

Joseph Todd Smith was charged in a twelve-count indictment with aggravated sexual assault of a child (count I & II), indecency with a child by sexual contact (counts III, IV, VII, VIII & XI), sexual assault of a child (counts V, VI, IX & X), and sexual performance of a child (count XII). Appellant waived a jury trial and pleaded not guilty to each allegation. After hearing evidence, the trial court found appellant guilty and sentenced him to thirty-five years in prison on counts I and II, and twenty years on counts III through XII). On appeal, appellant's attorney filed a brief in which she concludes the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978) (determining whether

brief meets requirements of *Anders*). Counsel delivered a copy of the brief to appellant. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (noting appellant has right to file pro se response to *Anders* brief filed by counsel).

Appellant filed a pro se response raising several issues. After reviewing counsel’s brief, appellant’s pro se response, and the record, we agree the appeal is frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). We find nothing in the record that might arguably support the appeal.

We affirm the trial court’s judgments.

/Molly Francis/  
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MOLLY FRANCIS  
JUSTICE

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TEX. R. APP. P. 47  
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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

JOSEPH TODD SMITH, Appellant

No. 05-17-00034-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 366th Judicial District  
Court, Collin County, Texas

Trial Court Cause No. 366-80590-2016.

Opinion delivered by Justice Francis.

Justices Fillmore and Whitehill  
participating.

Based on the Court's opinion of this date, the judgments of the trial court are  
**AFFIRMED.**

Judgment entered June 29, 2018.