

AFFIRM; and Opinion Filed January 30, 2018.



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

No. 05-17-00813-CR

**FRANKLYN TYRONE JOHNSON, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 396th District Court
Tarrant County, Texas
Trial Court Cause No. 1320746D**

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Fillmore

Franklyn Tyrone Johnson appeals his conviction for aggravated sexual assault of a child younger than fourteen years of age. Appellant waived his right to a jury trial and pleaded guilty to the charged offense. The trial court deferred adjudication of guilt and placed appellant on community supervision for ten years. When the State filed a motion to adjudicate guilt, appellant pleaded true to the allegations of violations of conditions of deferred adjudication probation contained in the State's motion. The trial court found appellant guilty and assessed punishment at fifteen years in prison. Although originally filed in the Second Court of Appeals, the appeal was transferred to this Court on July 14, 2017 by the Texas Supreme Court pursuant to a docket equalization order. TEX. GOV'T CODE ANN. § 73.001 (West 2013).

On appeal, appellant's attorney filed a brief in which he 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. We advised appellant of his right to file a pro se response, but he did not file a pro se response. 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).

We have reviewed the record and counsel's brief. See *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). We agree the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal.

We affirm the trial court's judgment.

/Robert M. Fillmore/

ROBERT M. FILLMORE
JUSTICE

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

JUDGMENT

FRANKLYN TYRONE JOHNSON,
Appellant

No. 05-17-00813-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 396th District Court,
Tarrant County, Texas
Trial Court Cause No. 1320746D.
Opinion delivered by Justice Fillmore.
Justices Lang-Miers and Stoddart
participating.

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

Judgment entered this 30th day of January, 2018.