

Affirmed and Opinion Filed October 14, 2019.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00268-CR

JOSHUA WILLIAM SUTHERBY, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause No. 401-83201-2016

MEMORANDUM OPINION

Before Justices Myers, Osborne, and Nowell
Opinion by Justice Nowell

A jury convicted Joshua William Sutherby for aggravated sexual assault of a child under the age of fourteen and assessed punishment at thirteen years in prison with no fine. Aggravated sexual assault of a child under the age of fourteen is a first degree felony, TEX. PENAL CODE ANN. § 22.021(e), punishable by imprisonment for life or any term of not more than 99 years or less than 5 years and a fine not to exceed \$10,000, *id.* § 12.32.

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, 811–12 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to appellant and we advised him of his

right to file a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (identifying duties of appellate court and counsel in *Anders* cases). Appellant has not filed a response.

After reviewing counsel’s brief 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 judgment.

/Erin A. Nowell/
ERIN A. NOWELL
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JOSHUA WILLIAM SUTHERBY,
Appellant

No. 05-18-00268-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 401st Judicial District
Court, Collin County, Texas
Trial Court Cause No. 401-83201-2016.
Opinion delivered by Justice Nowell.
Justices Myers and Osborne participating.

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

Judgment entered this 14th day of October, 2019.