

AFFIRMED and Opinion Filed July 28, 2022



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

No. 05-20-01096-CR

**DADRIAN MONTREZ MCCLAIN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 354th Judicial District Court
Hunt County, Texas
Trial Court Cause No. 31862**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Pedersen, III, and Nowell
Opinion by Justice Partida-Kipness

Dadrian Montrez McClain appeals a judgment revoking his community supervision, adjudicating his guilt for aggravated sexual assault of a child, and sentencing him to thirty years' confinement. We affirm the judgment.

McClain pleaded guilty to aggravated sexual assault of a child. Pursuant to a plea agreement, the trial court deferred adjudication and placed him on community supervision for ten years. The order required him to register as a sex offender for life.

McClain was released from jail and attempted to register as a sex offender, but he was unable to register in the time allotted. The State moved to revoke his

community supervision, citing his failure to register. The trial court granted the motion and sentenced McClain to life in prison. On appeal, we reversed the conviction and remanded for further proceedings. *McClain v. State*, No. 05-19-00146-CR, 2020 WL 913844, at *1 (Tex. App.—Dallas Feb. 26, 2020, pet. ref'd) (mem. op., not designated for publication).

Following remand, the State again moved to adjudicate guilt. The motion alleged that McClain had violated the terms of community supervision by consuming controlled substances and by failing to report to the probation department. He initially pleaded not true to the allegations. However, during the hearing on the motion, he changed his plea to true. The trial court adjudicated McClain guilty of the underlying offense and sentenced him to thirty years' confinement. He now appeals.

McClain's court-appointed appellate counsel filed a motion to withdraw and a brief in support of that motion. Counsel's brief and motion meet the requirements of *Anders v. California* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. *See* 386 U.S. 738, 744 (1967). Counsel delivered a copy of the brief to McClain. We advised McClain of his right to file a pro se response, but he did not file a response.

In the *Anders* context, we must independently evaluate the record to determine whether the appeal is frivolous. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We have carefully reviewed counsel's brief and the record. We

agree with counsel that this appeal is wholly frivolous and without merit; we find nothing in the record that might arguably support the appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005). Accordingly, we affirm the judgment.

/Robbie Partida-Kipness/

ROBBIE PARTIDA-KIPNESS
JUSTICE

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

JUDGMENT

DADRIAN MONTREZ MCCLAIN,
Appellant

No. 05-20-01096-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 354th Judicial
District Court, Hunt County, Texas
Trial Court Cause No. 31862.

Opinion delivered by Justice Partida-
Kipness. Justices Pedersen, III and
Nowell participating.

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

Judgment entered this 28th day of July, 2022.