

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-18-00041-CR**

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**DOUGLAS EDWARD GOSBY JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 128th District Court**  
**Orange County, Texas**  
**Trial Cause No. A170334-R**

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**MEMORANDUM OPINION**

Appellant Douglas Edward Gosby Jr. was indicted for sexual assault of a child, a second-degree felony. Gosby waived his right to a jury trial and pleaded guilty to sexual assault of a child in an open plea. After conducting a sentencing hearing, the trial court sentenced Gosby to twelve years of confinement and also assessed a \$1000 fine.

Gosby's appellate counsel filed a brief that presents counsel's professional evaluation of the record and concludes the appeal is frivolous. *See Anders v.*

*California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On April 30, 2018, we granted an extension of time for Gosby to file a *pro se* brief, and Gosby filed a *pro se* response. The Court of Criminal Appeals has held that we need not address the merits of issues raised in an *Anders* brief or a *pro se* response. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Rather, an appellate court may determine: (1) “that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error[;]” or (2) “that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues.” *Id.*

We reviewed the appellate record, and we agree with counsel’s conclusion that no arguable issues support an appeal. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court’s judgment.<sup>1</sup>

AFFIRMED.

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STEVE McKEITHEN  
Chief Justice

Submitted on June 26, 2018  
Opinion Delivered July 25, 2018  
Do Not Publish

Before McKeithen, C.J., Kreger and Johnson, JJ.

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<sup>1</sup>Gosby may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.