

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00387-CR

DUSTIN DANIEL HARDING, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 359th District Court
Montgomery County, Texas
Trial Cause No. 16-04-04189-CR

MEMORANDUM OPINION

Dustin Daniel Harding appeals his conviction of continuous sexual abuse of a child. *See* Tex. Penal Code Ann. § 21.02(b) (West Supp. 2018).¹ A jury found Harding guilty and sentenced him to 75 years confinement. The attorney appointed to represent Harding in his appeal filed an *Anders* brief, which asserted that the attorney carefully reviewed the record and the law and found no meritorious claims

¹ We cite the current version of the statute as subsequent amendments do not affect our disposition.

on which he could argue Harding's conviction should be reversed. After receiving Harding's *Anders* brief, we granted an extension of time to allow Harding to file a *pro se* response. Harding requested an extension to file a *pro se* brief, and we granted his request. However, Harding did not file a brief with the court.

We have reviewed the record and agree with Harding's counsel that no arguable issues exist to support an appeal. *See Anders v. California*, 386 U.S. 738, 744–45 (1967); *High v. State*, 573 S.W.2d 807, 810–13 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974). Therefore, it is not necessary that we appoint new counsel to rebrief Harding's appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to appoint other counsel only if it determines that there were arguable grounds for the appeal). Given our conclusion that no arguable grounds exist to support Harding's appeal, we affirm the trial court's judgment.²

AFFIRMED.

CHARLES KREGER
Justice

² Harding may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.

Submitted on December 4, 2018
Opinion Delivered January 30, 2019
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Before McKeithen, C.J., Kreger and Horton, JJ