



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 2-08-147-CR**

KENNETH GRAY

APPELLANT

V.

THE STATE OF TEXAS

STATE

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FROM THE 396TH DISTRICT COURT OF TARRANT COUNTY

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**MEMORANDUM OPINION<sup>1</sup>**

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Appellant Kenneth Gray appeals his conviction and sentence for aggravated sexual assault of a child.<sup>2</sup> We affirm.

Appellant's court-appointed appellate counsel has filed a motion to withdraw as counsel and a brief in support of that motion. In the brief, counsel

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<sup>1</sup> [▲](#) See Tex. R. App. P. 47.4.

<sup>2</sup> [▲](#) See Tex. Penal Code Ann. § 22.021(a)(2)(B) (Vernon Supp. 2008).

avers that, in his professional opinion, the appeal is frivolous. Counsel's brief and motion meet the requirements of *Anders v. California*<sup>3</sup> by presenting a professional evaluation of the record demonstrating why there are no arguable grounds for relief. We gave appellant the opportunity to file a pro se brief, and he has not filed one. The State also has not filed a brief.

Once an appellant's court-appointed attorney files a motion to withdraw on the ground that the appeal is frivolous and fulfills the requirements of *Anders*, this court is obligated to undertake an independent examination of the record.<sup>4</sup> Only then may we grant counsel's motion to withdraw.<sup>5</sup>

We have carefully reviewed the record and counsel's brief. 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.<sup>6</sup> Accordingly, we grant counsel's motion to withdraw and affirm the trial court's judgment.

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<sup>3</sup> [386 U.S. 738](#), 87 S. Ct. 1396 (1967).

<sup>4</sup> [See \*Stafford v. State\*](#), 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); [Mays v. State](#), 904 S.W.2d 920, 922–23 (Tex. App.—Fort Worth 1995, no pet.).

<sup>5</sup> [See \*Penson v. Ohio\*](#), 488 U.S. 75, 82–83, 109 S. Ct. 346, 351 (1988).

<sup>6</sup> [See \*Bledsoe v. State\*](#), 178 S.W.3d 824, 827–28 (Tex. Crim. App. 2005); [see also \*Meza v. State\*](#), 206 S.W.3d 684, 685 n.6 (Tex. Crim. App. 2006).

PER CURIAM

PANEL: CAYCE, C.J.; DAUPHINOT and GARDNER, JJ.

DO NOT PUBLISH  
Tex. R. App. P. 47.2(b)

DELIVERED: February 19, 2009