



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-08-00145-CR

ANTELMO VARGAS LOPEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court #3
Dallas County, Texas
Trial Court No. F-0556819-J

Before Morriss, C.J., Carter and Moseley, JJ.
Memorandum Opinion by Justice Moseley

MEMORANDUM OPINION

Antelmo Vargas Lopez appeals from his conviction by a jury of the offense of aggravated sexual assault of a child. *See* TEX. PENAL CODE ANN. § 22.021 (Vernon Supp. 2008). The jury assessed punishment at ten years' imprisonment.¹ Lopez was represented by different, appointed, counsel at trial and on appeal. Lopez's attorney has filed a brief in which she concludes that the appeal is frivolous and without merit, after a review of the record and the related law.

Counsel states that she has studied the record and finds no error preserved for appeal that could be successfully argued. The brief contains a professional evaluation of the record and advances one arguable ground for review. This meets the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991); and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978).

Counsel mailed a copy of the brief to Lopez on September 9, 2008, informing Lopez of his right to examine the entire appellate record and to file a pro se response. Counsel simultaneously filed a motion with this Court seeking to withdraw as counsel in this appeal. No pro se response, nor extension of time in which to file such a response, has been filed.

We have determined that this appeal is wholly frivolous. We have independently reviewed the clerk's record and the reporter's record, and we agree that no arguable issues support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

¹This case has been transferred to this Court as part of the Texas Supreme Court's docket equalization program.

We affirm the judgment of the trial court.²

Bailey C. Moseley
Justice

Date Submitted: November 17, 2008
Date Decided: November 18, 2008

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²Since we agree this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of Lopez in this case. No substitute counsel will be appointed. Should Lopez wish to seek further review of this case by the Texas Court of Criminal Appeals, Lopez must either retain an attorney to file a petition for discretionary review or Lopez must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from the date of either this opinion or the last timely motion for rehearing that was overruled by this Court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with this Court, after which it will be forwarded to the Texas Court of Criminal Appeals along with the rest of the filings in this case. *See* TEX. R. APP. P. 68.3. Any petition for discretionary review should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure. *See* TEX. R. APP. P. 68.4.