



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

No. 06-09-00195-CR

DONALD BRIAN MOSLEY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 354th Judicial District Court
Hunt County, Texas
Trial Court No. 25305

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

MEMORANDUM OPINION

Donald Brian Mosley appeals from his conviction for the offense of aggravated sexual performance of a child. TEX. PENAL CODE ANN. § 22.021(a)(2)(B) (Vernon Supp. 2009). Mosley pled guilty to the charges without a negotiated plea agreement. The trial court assessed his punishment and sentenced Mosley to forty years' imprisonment. He was represented by appointed counsel at trial and on appeal.

Mosley's attorney has filed a brief which discusses the record and reviews the proceedings in great detail. Counsel has thus provided a professional evaluation of the record demonstrating why, in effect, there are no arguable grounds to be advanced. This meets the requirements of *Anders v. California*, 386 U.S. 738 (1967); *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1981); and *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. [Panel Op.] 1978).

Counsel mailed a copy of the brief to Mosley January 28, 2010, informing Mosley of his right to file a pro se response and of his right to review the record. Counsel has also filed a motion with this Court seeking to withdraw as counsel in this appeal. Mosley has neither filed a pro se response, nor has he requested an extension of time in which to file such response.

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).

In a frivolous appeal situation, we are to determine whether the appeal is without merit and is frivolous, and if so, the appeal must be dismissed or affirmed. *See Anders*, 386 U.S. 738.

We affirm the judgment of the trial court.¹

Jack Carter
Justice

Date Submitted: April 12, 2010

Date Decided: April 13, 2010

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¹Since we agree this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of Mosley in this case. No substitute counsel will be appointed. Should Mosley wish to seek further review of this case by the Texas Court of Criminal Appeals, Mosley must either retain an attorney to file a petition for discretionary review or Mosley 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.