



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

No. 06-14-00194-CR

BENNIE JOHNSON, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 102nd District Court
Bowie County, Texas
Trial Court No. 12F0821-102

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

*Jack Carter, Justice, Retired, Sitting by Assignment

MEMORANDUM OPINION

Bennie Johnson, Jr., appeals his conviction by a jury of aggravated sexual assault. *See* TEX. PENAL CODE ANN. § 22.021 (West Supp. 2014). Johnson was sentenced to life imprisonment and was represented by different appointed counsel at trial and on appeal.

Johnson's attorney on appeal has filed a brief which discusses the record and reviews the trial proceedings in detail. The brief sets out the procedural history and summarizes the evidence elicited during the course of the proceeding. Counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal, thus complying with the requirements of *Anders v. California*, 386 U.S. 738, 743–44 (1967). *See In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978).

Johnson has filed a pro se response in which he argues (1) that the evidence is insufficient to support the conviction of aggravated sexual assault and (2) that trial counsel was ineffective (a) in failing to provide a proper trial strategy, (b) by “opening the door” to extraneous offense evidence, and (c) by failing to investigate alternative DNA.

We have determined that this appeal is wholly frivolous. We have independently reviewed the entire record, as well as Johnson's pro se brief and the State's response, and find that no genuinely arguable issues support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005).

We affirm the judgment of the trial court.¹

Josh R. Morriss, III
Chief Justice

Date Submitted: October 12, 2015
Date Decided: October 14, 2015

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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 appellant in this case. *Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant wish to seek further review of this case by the Texas Court of Criminal Appeals, appellant must either retain an attorney to file a petition for discretionary review or appellant must file a pro se petition for discretionary review. Any petition for discretionary review must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court. *See* TEX. R. APP. P. 68.2. Any petition for discretionary review must be filed with the clerk of the Texas Court of Criminal Appeals. *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.