

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-02-00555-CR

David Galvan, Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 147TH JUDICIAL DISTRICT
NO. 3012982, HONORABLE WILFORD FLOWERS, JUDGE PRESIDING**

MEMORANDUM OPINION

A jury found appellant David Galvan guilty of intentionally causing bodily injury to a child. Tex. Pen. Code Ann. § 22.04(a)(3) (West 2003). The jury assessed punishment, enhanced by previous felony convictions, at imprisonment for seventy-two years.

Appellant's court-appointed attorney filed a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See also Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969).

Appellant also filed a pro se brief. In it, he contends the trial court erred by failing to instruct the jury on the meaning of reasonable doubt as mandated in *Geesa v. State*, 820 S.W.2d 154, 161-62 (Tex. Crim. App. 1991). The court of criminal appeals overruled this portion of the *Geesa* opinion in *Paulson v. State*, 28 S.W.3d 570, 573 (Tex. Crim. App. 2000). The *Paulson* opinion also overruled *Reyes v. State*, 938 S.W.2d 718, 721 (Tex. Crim. App. 1996), in which it was held that the failure to give the *Geesa* instruction was automatic reversible error. Appellant was tried after *Paulson* was announced. Appellant's sole pro se point of error is without merit.

We have reviewed the record, counsel's brief, and the pro se brief. We find nothing in the record that might arguably support the appeal. Counsel's motion to withdraw is granted.

The judgment of conviction is affirmed.

David Puryear, Justice

Before Chief Justice Law, Justices B. A. Smith and Puryear

Affirmed

Filed: July 11, 2003

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