

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-20-00098-CR

Amon Christian Temple, Appellant

v.

The State of Texas, Appellee

**FROM THE 264TH DISTRICT COURT OF BELL COUNTY
NO. 79755, THE HONORABLE PAUL L. LEPAK, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Amon Christian Temple was indicted and pled guilty to the second-degree felony of sexual assault committed against D.F. *See* Tex. Penal Code § 22.011(a)(1). D.F. reported that she attended a party at a friend's house and that after everyone left, she passed out on a living room couch. Temple returned to the house, and D.F. woke as he was dragging her into a bathroom where he then sexually assaulted her. The district court sentenced Temple to ten years' imprisonment, and Temple appealed his conviction.

Temple's court-appointed attorney has filed a motion to withdraw supported by a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738, 744 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988); *High v. State*, 573 S.W.2d 807, 811-13 (Tex. Crim. App. 1978); *Currie*

v. State, 516 S.W.2d 684, 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553, 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). Temple's counsel states that he has provided Temple with copies of the motion to withdraw and brief, advised him of his right to examine the appellate record and to file a pro se brief, and provided him with a form motion for pro se access to the appellate record along with this Court's mailing address. *See Kelly v. State*, 436 S.W.3d 313, 319-21 (Tex. Crim. App. 2014); *see also Anders*, 386 U.S. at 744; *Garner v. State*, 300 S.W.3d 763, 766 (Tex. Crim. App. 2009). No pro se brief has been filed and no extension of time was requested.

We have reviewed the record and find no reversible error. *See Anders*, 386 U.S. at 744; *Garner*, 300 S.W.3d at 766; *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We agree with counsel that the appeal is frivolous. Counsel's motion to withdraw is granted. The judgment of conviction is affirmed.

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Baker and Triana

Affirmed

Filed: May 28, 2020

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