



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

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No. 06-19-00230-CR

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AARON MICHAEL PETTON, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 294th District Court  
Van Zandt County, Texas  
Trial Court No. CR17-00130

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Before Morriss, C.J., Burgess and Stevens, JJ.

## ORDER

A Van Zandt County jury convicted Aaron Michael Petton of two counts of aggravated sexual assault and assessed sentences of life imprisonment on each count. On the first count, the trial court ordered Petton to pay a total of \$5,722.00 in restitution to the Van Zandt County Criminal District Attorney and the Canton Police Department for forensic testing. Petton appeals.

Petton's attorney has filed an appellate brief in which he concludes, after a review of the record and the related law, that the appeal is frivolous and without merit. The brief presents arguable points of error, but after a discussion of the applicable law and facts, counsel has concluded that these points do not present reversible error. The brief, thus, meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991).

As required by the Texas Court of Criminal Appeals in *Stafford*, 813 S.W.2d at 511, we have conducted our own investigation of the record to discover if there are arguable grounds for appeal. We have identified an arguable issue that requires additional briefing, namely, whether the trial court erred in ordering payment of restitution to nonvictims.

“When we identify issues that counsel on appeal should have addressed but did not, we need not be able to say with certainty that those issues have merit; we need only say that the issues warrant further development by counsel on appeal.” *Wilson v. State*, 40 S.W.3d 192, 200 (Tex. App.—Texarkana 2001, order). In such a situation, we “must then guarantee appellant’s right to counsel by ensuring that *another attorney* is appointed to represent appellant on appeal.” *Stafford*, 813 S.W.2d at 511 (citing *Anders*, 386 U.S. at 744).

Accordingly, we grant current counsel's motion to withdraw, and we abate this case to the trial court for the appointment of new appellate counsel. The appointment is to be made within ten days of the date of this order. Appellate counsel is to address the issues presented here, as well as any other issues that warrant further development on appeal.

A memorialization of the trial court's appointment shall be entered into the record of this case and presented to this Court in the form of a supplemental clerk's record within ten days of the date of appointment.

The current submission date of May 26, 2020, is hereby withdrawn. We will establish a new briefing schedule on our receipt of the supplemental clerk's record.

IT IS SO ORDERED.

BY THE COURT

Date: June 11, 2020