

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-20-00175-CR**

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**Johnathon Riley Peters, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 264TH DISTRICT COURT OF BELL COUNTY  
NO. 79677, THE HONORABLE PAUL L. LEPAK, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Johnathon Riley Peters was indicted for the third-degree felony offense of assault on a family or household member with previous conviction committed against his then-wife, C.P. *See* Tex. Penal Code § 22.01(a)(1) (defining offense), (b)(2)(A) (providing that offense is third-degree felony). On the date of the offense, Peters and C.P. attended a dart tournament and then a housewarming party, after which Peters became intoxicated and had to be helped to his truck by friends. Peters passed out in the passenger seat of the truck while C.P. was driving them home. After C.P. woke him and got him inside the house, Peters asked for the keys to the truck. When C.P. told Peters that he was drunk and refused to provide the keys to him, Peters started screaming and breaking household items. Next, Peters knocked C.P. down by emptying storage containers of heavy books onto her. Peters proceeded to beat C.P. by kicking and stomping on her face, head, back, and the right side of her body, causing her pain and

bruising. C.P. testified that she lost and regained consciousness during the assault and that she feared for her life.

Peters entered an open plea of guilty to the indicted charge, and the district court found Peters guilty. After completion of a presentencing report and an evidentiary hearing at which C.P. testified, the district court sentenced Peters to eight years' imprisonment. *See id.* § 12.34(a) (providing punishment range of two to ten years' imprisonment for third-degree felony offense). Peters appealed the judgment adjudicating his guilt.

Peters'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). Peters's counsel states that he has provided Peters 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 and grant his motion to withdraw. We affirm the district court's judgment of conviction.

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Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Baker and Kelly

Affirmed

Filed: July 9, 2020

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