

**GRANT and AFFIRM and Opinion Filed July 27, 2020**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-19-00628-CR**

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**JULIUS TIMOTHY DAWSON, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 194th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F09-51677-M**

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**MEMORANDUM OPINION**

Before Justices Myers, Partida-Kipness, and Reichel  
Opinion by Justice Partida-Kipness

Appellant Julius Timothy Dawson was indicted on one count of aggravated sexual assault of a child under the age of fourteen. He waived both a jury trial and a trial before the court and entered into a plea agreement in which he agreed to the charge of aggravated sexual assault and was sentenced to twenty-five years in prison.

Dawson requested post-conviction DNA testing of the vaginal swabs taken of the victim. The State agreed to the request, and the trial court issued an order granting post-conviction DNA testing. The results of this test confirmed that there was no male DNA found or Y-STR profile obtained in the samples. Upon examination of

the DNA test results and consideration of all the evidence in the case, the trial court found that it is not probable that Dawson would not have been convicted if the test results had been available during trial. Dawson appeals this finding.

The Supreme Court stated in *Anders v. California* that an attorney who finds a client's case to be "wholly frivolous, after a conscientious examination of it, . . . should so advise the court and request permission to withdraw." *Anders v. California*, 386 U.S. 738, 744 (1967). The attorney should submit a brief to the court that refers to "anything in the record that might arguably support the appeal." *Id.* The brief accompanies "the motion to withdraw as an assurance to the appellate court that the attorney has indeed made a thorough and conscientious examination of the record." *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008). The attorney must also provide a copy of the brief to the defendant and inform the defendant of any possible grounds to appeal. *Anders*, 368 U.S. at 744. This court must review the brief and conduct an independent review of the record and the applicable law to ensure that appellant's claim is indeed wholly frivolous and without merit. *Id.*; *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

Here, appointed counsel timely filed a brief that meets all the requirements set forth in *Anders*. In the brief, counsel thoroughly reviewed the record and applicable law to ensure that there are no arguable grounds to appeal, referring to the record and citing legal authorities, and concluded that the appeal is frivolous and without

merit. *See High v. State*, 573 S.W.2d 807, 811 (Tex. Crim. App. [Panel Op.] 1978).  
Counsel delivered a copy of the brief to Dawson. *See Anders*, 386 U.S. at 744.

Based on our independent review of the record, *see Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases), and counsel’s brief, we conclude that counsel “exercised professional diligence in assaying the record for error,” and there are no grounds upon which this appeal can advance. *Meza v. State*, 206 S.W.3d 684, 689 (Tex. Crim. App. 2006). Accordingly, we grant counsel’s motion to withdraw and affirm the trial court’s judgment.

/Robbie Partida-Kipness/  
ROBBIE PARTIDA-KIPNESS  
JUSTICE

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TEX. R. APP. P. 47.2(b)  
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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

JULIUS TIMOTHY DAWSON,  
Appellant

No. 05-19-00628-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 194th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F09-51677-M.  
Opinion delivered by Justice Partida-  
Kipness. Justices Myers and Reichel  
participating.

Based on the Court's opinion of this date, Juanita Bravo Edgecomb's motion to withdraw as counsel is **GRANTED**, and the judgment of the trial court is **AFFIRMED**.

Judgment entered this 27th day of July, 2020.