

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Derwin Bernard Arline v. The State of Texas

Nos. 09-25-00106-CR and 09-25-00107-CR (Tex. App.—Beaumont Dec. 10, 2025) (mem. op.) · No. Nos. 09-25-00106-CR and 09-25-00107-CR · Decided December 10, 2025

SUMMARY

The Ninth Court of Appeals of Texas at Beaumont reviewed Anders appeals from convictions for indecency with a child by sexual contact and aggravated sexual assault of a child. The court found no arguable grounds for appeal, affirmed the trial court’s judgments, and granted appellate counsel’s Anders-based disposition. The sentences, including concurrent terms of twenty years and life imprisonment, remained in effect.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Jay Wright; Johnson; Chambers
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	December 10, 2025
DOCKET	Nos. 09-25-00106-CR and 09-25-00107-CR
DISPOSITION	affirmed
PROCEDURAL POSTURE	Arline appealed convictions and sentences for indecency with a child by sexual contact and aggravated sexual assault of a child. Appellate counsel filed an Anders brief and a motion to withdraw; Arline filed a pro se response.
STANDARD OF REVIEW	Anders review of the record for reversible error and arguable grounds for appeal.
PRECEDENTIAL VALUE	Nonprecedential memorandum opinion; marked Do Not Publish.
PARTIES	Derwin Bernard Arline v. The State of Texas

TOPICS

- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal appellate procedure
- criminal procedure

QUESTIONS PRESENTED

1. Whether the appellate record contained any arguable grounds for appeal requiring appointment of new counsel and further briefing under *Anders v. California*.
2. Whether the trial court's judgments should be affirmed after appellate counsel concluded that the appeal was frivolous and the court independently reviewed the record and the pro se response.

HOLDINGS

1. The court found no arguable issues supporting an appeal and therefore did not order appointment of new counsel to re-brief the case.
2. The trial court's judgments were affirmed.

KEY QUOTATIONS

“that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error;” (at 2)

“that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues.” (at 2)

FACTUAL BACKGROUND

Arline was charged with indecency with a child by sexual contact and aggravated sexual assault of a child. The cases were consolidated for trial, and a jury convicted him of both offenses. The trial court assessed twenty years' imprisonment and a \$100 fine in one cause and life imprisonment and a \$100 fine in the other, ordering the sentences to run concurrently.

PROCEDURAL HISTORY

The two criminal causes were consolidated for trial in the 356th District Court of Hardin County. A jury convicted Arline of both offenses, and the trial court assessed concurrent sentences of twenty years and life imprisonment, plus fines. On appeal, counsel filed an *Anders* brief asserting that the appeal was frivolous, and the court reviewed the record and Arline's pro se response before affirming.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978)
- *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005)
- *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-25-00106-CR NO. 09-25-00107-CR _____ DERWIN BERNARD ARLINE, Appellant
V. THE STATE OF TEXAS, Appellee

On
Appeal from the 356th District Court Hardin County, Texas Trial Cause Nos. 27986 and 27987

MEMORANDUM OPINION Appellant Derwin Bernard Arline was charged with indecency with a child by sexual contact in cause number 27986 and with aggravated sexual assault of a child in cause number 27987, second- and first-degree felonies, respectively.

See Tex. Penal Code Ann. §§ 21.11, 22.021. The cases were consolidated for trial and the jury convicted Arline of both offenses. Arline chose to have the trial court determine his sentences, and the trial court sentenced Arline to twenty years in the Texas 1 Department of Criminal Justice and a \$100 fine in cause number 27986.

The trial court also sentenced Arline to life in the Texas Department of Criminal Justice and a \$100 fine in cause number 27987. The court ordered the two sentences to run concurrently. This appeal followed. Arline's appellate counsel filed an Anders brief that presents counsel's professional evaluation of the record and concludes the appeal is frivolous; he also filed a motion to withdraw as counsel.

See *Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). Arline was notified of his right to file a pro se brief, and he did so on October 6, 2025. The Court of Criminal Appeals has held that we need not address the merits of issues raised in an Anders brief or pro se response. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex.

Crim. App. 2005). Rather, an appellate court may determine: (1) "that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error[;]" or (2) "that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues." *Id.* We have reviewed the appellate record and considered Appellant's pro se response, and we agree with counsel's conclusion that no arguable issues support an appeal.

See *id.* Therefore, we find it unnecessary to order appointment of new 2 counsel to re-brief the appeal. Cf. *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgments.¹ **AFFIRMED.** JAY WRIGHT Justice Submitted on December 9, 2025 Opinion Delivered December 10, 2025 Do Not Publish Before Johnson, Wright and Chambers, JJ. 1 Arline may challenge our decision in these cases by filing a petition for discretionary review.

See Tex. R. App. P. 68.3

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/court-of-appeals-for-the-ninth-district-of-texas-at-beaumont-court-of-appeals-for-the-ninth-district/2025/derwin-bernard-arline-v-the-state-of-texas-g6syvpdp>