

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-08-00293-CR

MAURICE COLEMAN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 07-02266

MEMORANDUM OPINION

Pursuant to a plea-bargain agreement, Maurice Coleman pled guilty to aggravated assault with a deadly weapon, a first degree felony offense, and also pled “true” to one enhancement count. *See* TEX. PEN. CODE ANN. § 22.02(a), (b)(1) (Vernon Supp. 2009). Coleman’s pleas followed the State’s presentation of its case to the jury. In accordance with the plea-bargain agreement, the trial court assessed Coleman’s punishment at thirty years of confinement.

In a pretrial hearing, trial counsel presented several written motions to the trial court, and the court made oral rulings on some of them, as disclosed in the reporter’s record. *See*

TEX. R. APP. P. 25.2(a)(2) (allowing plea-bargaining defendants to appeal certain matters). The appellate record contains the trial court's certification of Coleman's limited right to appeal. Coleman appealed.

Coleman's originally appointed appellate counsel filed an *Anders* brief that presented counsel's professional evaluation of the record and concluded there were no arguable issues for appeal. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Coleman filed a pro se brief in response. We abated the appeal and remanded the case to the trial court to appoint new appellate counsel "with directions to evaluate the trial court's rulings on pretrial motions, and any other potentially arguable issues."

Following the supplementation of the clerk's record, Coleman's new appellate counsel filed an *Anders* brief. *See Anders v. California*, 386 U.S. 738. Counsel's brief meets the *Anders* requirements by presenting a professional evaluation of the record that demonstrates why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978). Counsel provided Coleman with a copy of the brief.

Coleman then filed a new pro se brief raising three appellate issues. Issue one asserts that he received ineffective assistance of counsel. Issues two and three complain of alleged errors that occurred in jury selection, even though Coleman pled guilty before the jury retired to consider its verdict.

In addressing an *Anders* brief and pro se response, a court of appeals may only 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. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005).

Having reviewed the clerk's record, the reporter's record, counsel's brief, and appellant's pro se brief, we agree that the appeal is frivolous. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *See id.*; *cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on March 12, 2010
Opinion Delivered March 24, 2010
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.

¹ Coleman may challenge our decision in this case by filing a petition for discretionary review. TEX. R. APP. P. 68.