

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00024-CR

ANTWAIN JABOR FRANKLIN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 411th District Court
Polk County, Texas
Trial Cause No. 20,034

MEMORANDUM OPINION

After the trial court denied his motion to suppress, Antwain Jabor Franklin pled guilty in Cause No. 20,034 to the first degree felony offense of possession of a controlled substance, cocaine, in an amount of more than 200 grams but less than 400 grams. *See* Tex. Health & Safety Code Ann. § 481.115(e) (West 2010). The trial court sentenced Franklin to forty-five years of imprisonment and ordered that the sentence run consecutively to the sentence served in Cause No. 15,571. *See* Tex. Penal Code Ann. §

12.32 (West Supp. 2010); *see also* Tex. Code Crim. Proc. Ann. § 42.08. (West Supp. 2010). We affirm the judgment.

On appeal, Franklin's counsel filed a brief that presents counsel's professional evaluation of the record and concludes the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On October 14, 2010, we granted an extension of time for the appellant to file a *pro se* brief. Franklin filed a response in which, among other things, he contends he had standing to challenge the search of the vehicle where the contraband was found and that the alert by the drug dog did not provide probable cause for the officers to search the vehicle.

We reviewed the appellate record, and we agree with counsel's conclusion that no arguable issues support an appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005); *cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.¹

AFFIRMED.

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

STEVE McKEITHEN
Chief Justice

Submitted on March 2, 2011
Opinion Delivered March 9, 2011
Do Not Publish

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