

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00069-CR

CARNEL JOSEPH FONTENOT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 94275**

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Carnel Joseph Fontenot pled guilty to arson. The trial court found the evidence sufficient to find Fontenot guilty, but deferred further proceedings, placed Fontenot on community supervision for eight years, and assessed a fine of \$500. The State subsequently filed a motion to revoke Fontenot's unadjudicated community supervision. Fontenot pled "true" to three violations of the conditions of his community supervision. The trial court found that Fontenot violated the conditions of his

community supervision, found Fontenot guilty of arson, and assessed punishment at ten years of confinement.

Fontenot's appellate 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 September 24, 2009, we granted an extension of time for appellant to file a *pro se* brief. We received no response from appellant. 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. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.¹

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on February 9, 2010
Opinion Delivered February 17, 2009
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.

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