

**In The**

***Court of Appeals***

***Ninth District of Texas at Beaumont***

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**NO. 09-09-00176-CR**

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**JUSTIN JACOLBY CALLOWAY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court  
Jefferson County, Texas  
Trial Cause No. 07-01911**

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**MEMORANDUM OPINION**

Pursuant to a plea bargain agreement, appellant Justin Jacolby Calloway pled guilty to burglary of a building. The trial court found the evidence sufficient to find Calloway guilty, but deferred further proceedings, placed Calloway on community supervision for five years, and assessed a fine of \$750. The State subsequently filed a motion to revoke Calloway's unadjudicated community supervision. Calloway pled "true" to four violations of the conditions of his community supervision. The trial court found that Calloway violated

the conditions of his community supervision, found Calloway guilty of burglary of a building, and assessed punishment at two years of confinement in a state jail facility.

Calloway'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 17, 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.<sup>1</sup>

AFFIRMED.

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STEVE McKEITHEN  
Chief Justice

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Do Not Publish

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

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