

In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-09-00177-CR

JONATHAN LATROY BATISTE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 98580**

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Jonathan Latroy Batiste pled guilty to sexual assault. The trial court found the evidence sufficient to find Batiste guilty, but deferred further proceedings, placed Batiste on community supervision for ten years, and assessed a fine of \$1000. The State subsequently filed a motion to revoke Batiste's unadjudicated community supervision. Batiste pled "true" to seven violations of the conditions of his community supervision. The trial court found that Batiste violated the

conditions of his community supervision, found Batiste guilty of sexual assault, and assessed punishment at eleven years of confinement.

Batiste'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 3, 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.

CHARLES KREGER
Justice

Submitted on February 9, 2010
Opinion Delivered February 17, 2010
Do not publish

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

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