

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00309-CR

CHARLOTTE CAROLYN TILLERY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 99865**

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Charlotte Carolyn Tillery pled guilty to felony theft. The trial court found the evidence sufficient to find Tillery guilty, but deferred further proceedings, placed Tillery on community supervision for three years, and assessed a fine of \$500. Subsequently, the State filed a motion to revoke Tillery's unadjudicated community supervision. Tillery pled "true" to four violations of the conditions of her community supervision. The trial court found that Tillery violated the conditions of

her community supervision, found Tillery guilty of felony theft, and assessed punishment at two years of confinement in a state jail facility, then suspended imposition of sentence, and placed Tillery on community supervision for three years. The State later filed a motion to revoke Tillery's second period of community supervision. Tillery pled "true" to five violations of the conditions of her community supervision. The trial court found that Tillery violated the conditions of her community supervision, revoked Tillery's community supervision, and imposed a sentence of eighteen months of confinement in a state jail facility.

Tillery'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 10, 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.

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

CHARLES KREGER
Justice

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Do not publish

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