

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00391-CR

MACK BUEL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 95696

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Mack Buel entered a plea of guilty to misapplication of fiduciary property. The trial court found the evidence sufficient to find Buel guilty, but deferred further proceedings and placed Buel on community supervision for five years. The State subsequently filed a motion to revoke Buel's unadjudicated community supervision. Buel pled "true" to one violation of the conditions of his community supervision. The trial court found that Buel violated the conditions of his community supervision, found Buel guilty of misapplication of fiduciary property, and assessed punishment at two years of confinement in a state jail facility.

Buel'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). Buel filed a *pro se* brief in response. The Court of Criminal Appeals has held that we need not address the merits of issues raised in *Anders* briefs or *pro se* responses. Rather, an appellate court may determine either: (1) "that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error"; or (2) "that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues. *Id.*

We have determined that this appeal is wholly frivolous. We have independently examined the clerk's record and the reporter's record, and we agree that no arguable issues support an appeal. *See id.* 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.

STEVE McKEITHEN
Chief Justice

Submitted on June 8, 2010
Opinion Delivered July 7, 2010
Do Not Publish

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

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