

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00424-CR
NO. 09-09-00425-CR
NO. 09-09-00426-CR
NO. 09-09-00427-CR
NO. 09-09-00428-CR

JEREMY GIUY a/k/a JEREMY K. GIUY a/k/a JEREMY KEITH GUY
a/k/a JEREMY GUIY a/k/a JEREMY KEITH GIUY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause Nos. 08-04941, 08-04942, 08-05087,
08-03733 and 08-02714

MEMORANDUM OPINION

Pursuant to plea bargain agreements, Jeremy Giuy (a/k/a Jeremy K. Giuy, a/k/a Jeremy Keith Guy, a/k/a Jeremy Guiy, a/k/a Jeremy Keith Giuy) pled guilty to the charged offenses in each of the above-captioned causes. In all of the causes, except appeal number 09-09-00426-CR, the trial court found Giuy guilty and assessed

punishment, but suspended imposition of sentence and placed Giuy on community supervision. In appeal number 09-09-00426-CR, the trial court found the evidence sufficient to find Giuy guilty, but deferred finding him guilty and placed him on community supervision. In each of the cases, the State filed a motion to revoke Giuy's community supervision, and the trial court revoked Giuy's community supervision. After adjudicating Giuy's guilt in appeal number 09-09-00426-CR, the trial court cumulated all of Giuy's sentences. Giuy appealed.

Giuy's appellate counsel filed an *Anders* brief. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Counsel's brief meets the *Anders* requirements by representing a professional evaluation of the record that demonstrates why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807, 813 (Tex. Crim. App. 1978). Counsel provided Giuy with a copy of the brief.

Raising identical arguments, Giuy filed a pro se brief in each case. In his briefs, Giuy raises various issues concerning his original guilty pleas. We also construe Giuy's briefs as raising a complaint about his cumulative sentences and that he received the ineffective assistance of counsel.

In addressing an *Anders* brief with a pro se response, a court of appeals may only determine (1) that the appeal is wholly frivolous and issue an opinion explaining that the court 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. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We note, however, that a defendant must challenge issues related to his original plea proceeding when community supervision is originally imposed, not after revocation. *See Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999) (deferred adjudication community supervision proceedings); *Feagin v. State*, 967 S.W.2d 417, 419 (Tex. Crim. App. 1998) (“regular” community supervision proceedings).

Having reviewed the clerk’s record, the reporter’s record, counsel’s brief, and Giuy’s pro se briefs, we agree that the appeal is frivolous. *See Bledsoe*, 178 S.W.3d at 826-27. Therefore, we find it unnecessary to order appointment of new counsel to re-brief Giuy’s appeals. *See id.*; *cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court’s judgments.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on April 12, 2010
Opinion Delivered April 21, 2010
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.

¹Giuy may challenge our decision in these cases by filing petitions for discretionary review. TEX. R. APP. P. 68.