

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00440-CR

PETER ANTONIO KINNETT, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 08-04160

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Peter Antonio Kinnett, Jr. pled guilty to driving with a child passenger while intoxicated. The trial court found Kinnett guilty and assessed punishment at two years of confinement in a state jail facility, then suspended imposition of sentence, placed Kinnett on community supervision for three years, and assessed a fine of \$750.00. The State subsequently filed a motion to revoke Kinnett's community supervision. Kinnett pled "true" to one violation of the terms of the community supervision order. The trial court found that Kinnett violated the terms of the community supervision order, revoked Kinnett's community supervision, and imposed a sentence of two years of confinement in a state jail facility.

Kinnett'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 November 19, 2009, we granted an extension of time for appellant to file a *pro se* brief. We received no response from the appellant.

We reviewed the appellate record, and we agreed 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.

HOLLIS HORTON
Justice

Submitted on April 7, 2010
Opinion Delivered April 14, 2010
Do Not Publish

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

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