

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-09-00513-CR**

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**JODY JAMES MALONE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 9th District Court**  
**Montgomery County, Texas**  
**Trial Cause No. 08-09-08640-CR**

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**MEMORANDUM OPINION**

Jody James Malone entered a non-negotiated guilty plea to two counts of second degree online solicitation of a minor under the age of fourteen. *See* TEX. PEN. CODE ANN. § 33.021 (c), (f) (Vernon Supp. 2009). The trial court convicted Malone and assessed punishment on both counts at twenty years of confinement in the Texas Department of Criminal Justice, Correctional Institutions Division.

On appeal, Malone's 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 May 20, 2010, we granted an extension of time for the appellant to file a *pro se* brief. Malone did not file a response.

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. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005); *cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.<sup>1</sup>

AFFIRMED.

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CHARLES KREGER  
Justice

Submitted on September 17, 2010  
Opinion Delivered October 6, 2010  
Do Not Publish

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

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