

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00523-CR

CHARLES EDWARD SHARP, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 08-03480

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, Charles Edward Sharp pled guilty to the unauthorized use of a vehicle. *See* TEX. PEN. CODE ANN. § 31.07 (Vernon 2003). The trial court found the evidence sufficient to find Sharp guilty, but deferred further proceedings, placed him on community supervision for five years, and assessed a fine of \$500. The State subsequently filed a motion to revoke Sharp's unadjudicated community supervision. Sharp pled "true" to five violations of the conditions of his community supervision. The trial court found that Sharp violated the conditions of his community

supervision, found Sharp guilty of the unauthorized use of a vehicle, and assessed punishment at eighteen months of confinement in a state jail facility.

Sharp'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 Sharp with a copy of the brief.

Sharp filed a pro se brief, and as we construe his argument, he asserts that he did not fail to report to probation officers in Jefferson County and in Orange County, and he asserts that his trial and appellate counsel were ineffective.

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). Having reviewed the clerk's record, the reporter's record, counsel's brief, and Sharp's pro se brief, we agree that his appeal is frivolous. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief Sharp's appeal. *See id.*; *cf.*

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 May 20, 2010
Opinion Delivered June 9, 2010
Do Not Publish

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

¹Sharp may challenge our decision in this case by filing a petition for discretionary review. TEX. R. APP. P. 68. Additionally, relief in appropriate cases for claims of ineffective assistance of counsel is generally available through an application for a writ of habeas corpus. *See Thompson v. State*, 9 S.W.3d 808, 814-15 (Tex. Crim. App. 1999).