

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

---

**NO. 09-10-00158-CR**

---

**OCTAVE DWAYNE DIES, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

---

**On Appeal from the 252nd District Court  
Jefferson County, Texas  
Trial Cause No. 98700**

---

---

**MEMORANDUM OPINION**

Appellant Octave Dwayne Dies appeals from the trial court's revocation of his community supervision and adjudication of guilt. We affirm the trial court's judgment.

Pursuant to a plea bargain agreement, Dies entered a plea of guilty to the offense of felony theft. *See* Tex. Penal Code Ann. § 31.03 (West Supp. 2010).<sup>1</sup> The trial court

---

<sup>1</sup> We cite to the current version of section 31.03, even though there were amendments made in 2007 and 2009, because the subsequent amendments did not change the pertinent parts upon which the indictment relies.

found the evidence sufficient to find Dies guilty, but deferred the adjudication of Dies's guilt, placed him on community supervision for five years, and ordered him to pay restitution of \$8,829.82. The State subsequently filed a motion to revoke Dies's unadjudicated community supervision. Dies pled "true" to five violations of the conditions of his community supervision. The trial court found that Dies violated the conditions of his community supervision, found Dies guilty of felony theft, and assessed punishment at two years of confinement in a state jail facility.

Dies'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); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). Counsel's brief presents his professional evaluation of the record that there are no arguable grounds to be advanced in this appeal. Counsel provided Dies with a copy of the brief. In response, Dies filed a pro se brief, raising four issues on appeal.

The appellate court need not address the merits of issues raised in *Anders* briefs or pro se responses. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). In these circumstances, we "may determine that the appeal is wholly frivolous and issue an opinion explaining that [the appellate court] has reviewed the record and finds no reversible error. Or, [we] may determine 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.* (citations omitted).

We have independently reviewed the clerk's record and the reporter's record, and

we agree with Dies's appellate counsel that no arguable issues support an appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief Dies's appeal. *See id.*; compare *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.<sup>2</sup>

AFFIRMED.

---

CHARLES KREGER  
Justice

Submitted on November 18, 2010  
Opinion Delivered December 22, 2010  
Do not publish

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

---

<sup>2</sup> Dies may challenge our decision in this case by filing a petition for discretionary review. Tex. R. App. P. 68.