

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00203-CR

JOEL MATTHEW LOKER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 284th District Court
Montgomery County, Texas
Trial Cause No. 09-06-05989 CR**

MEMORANDUM OPINION

Joel Matthew Loker appeals his conviction, enhanced with three prior convictions, on his open plea of guilty to aggravated sexual assault of a child. The trial court sentenced Loker to seventy-five years in prison.

Appellate counsel filed an *Anders* brief that presents counsel's professional evaluation of the record and that 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 September 2, 2010, we granted an extension of time for Loker to file a *pro se* brief. Loker filed a *pro se* brief alleging improper use of

impact statement in punishment phase, improper outcry statement, false witness statement, and ineffective assistance of counsel.

In *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex.Crim. App. 2005), the Court of Criminal Appeals explained the process an appellate court follows in considering *Anders* briefs and *pro se* responses. An appellate court may determine either (1) “that the appeal is wholly frivolous and issue an opinion explaining that it 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.” *Id.* We have independently examined the clerk's record, the reporter's record, the *Anders* brief, and the *pro se* brief in this case, and we agree that no arguable issues support an appeal. *See id.* The appeal is wholly frivolous. We find it unnecessary to order appointment of new counsel to re-brief the appeal. *Id.*; compare *Stafford v. State*, 813 S.W.2d 503, 511 (Tex.Crim. App. 1991).

We affirm the trial court's judgment.¹

AFFIRMED.

DAVID GAULTNEY
Justice

¹ Loker 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 may be 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).

Submitted on May 31, 2011
Opinion Delivered July 27, 2011
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.