

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

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**NO. 09-10-00252-CR**

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**CHARLES ARMSTRONG, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the County Court at Law No. 3**  
**Jefferson County, Texas**  
**Trial Cause No. 241097**

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**MEMORANDUM OPINION**

Appellant Charles Armstrong was charged by information with terroristic threat. He entered a plea of not guilty. A jury found appellant guilty of terroristic threat. The trial court sentenced Armstrong to ninety days in jail, but probated his sentence for one year and assessed a fine of \$500. Armstrong filed a notice of appeal.

Armstrong'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 June 2, 2011, we granted an extension of time for appellant to file a *pro se* brief. We received no response from the appellant.

We have 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. *Compare 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 28, 2011  
Opinion Delivered October 5, 2011  
Do not publish

Before McKeithen, C.J., Gaultney and Kreger, 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.