

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00438-CR

CODY RAY GIBSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 98646

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Cody Ray Gibson pleaded guilty to felony theft. The trial court found the evidence sufficient to find Gibson guilty, but deferred further proceedings and placed Gibson on community supervision for four years. The State subsequently filed a motion to revoke Gibson's unadjudicated community supervision. Gibson pleaded "true" to three violations of the conditions of his community supervision. The trial court found that Gibson had violated the conditions of his community supervision, found Gibson guilty of felony theft, and assessed punishment at two years of confinement in a state jail facility. The trial court ordered that Gibson's

sentence was to run consecutively to his sentence in cause number 2009-378-C1 from McLennan County.

Gibson'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 January 20, 2011, we granted an extension of time for appellant to file a *pro se* brief. We received no response from 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.¹

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on April 29, 2011
Opinion Delivered May 11, 2011
Do Not Publish

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

¹Appellant may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.