

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00476-CR

GARY LEON WALL A/K/A GARY L. WALL, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 98602

MEMORANDUM OPINION

In carrying out a plea bargain agreement, appellant Gary Leon Wall a/k/a Gary L. Wall pled guilty to aggravated robbery. *See* Tex. Penal Code Ann. § 29.03(a)(2) (West 2011). The trial court found the evidence sufficient to find Wall guilty, but deferred further proceedings and placed Wall on community supervision for ten years. The State subsequently filed a motion to revoke Wall’s unadjudicated community supervision. Wall pled “true” to two violations and “not true” to three violations of his community supervision. The trial court found that Wall violated the conditions of his community

supervision, found Wall guilty of aggravated robbery, and assessed punishment at forty-five years of imprisonment.

Wall'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). Wall filed a *pro se* brief in response. The Court of Criminal Appeals has held that we 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). Rather, 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.*

Having reviewed the clerk's record, the reporter's record, counsel's brief, and Wall's *pro se* brief, we agree that Wall's appeal is frivolous. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief Wall'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 dated July 1, 2011.¹

¹After Wall appealed, we notified the trial court that the original judgment adjudicating guilt, dated October 14, 2010, might contain clerical errors. The trial court then corrected several clerical errors and issued a corrected judgment. Appellant may challenge our decision in this case by filing a petition for discretionary review. *See Tex. R. App. P. 68.*

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on June 21, 2011
Opinion Delivered July 27, 2011
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.