

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00549-CR

EARNEST LEBOUFF, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 09-06178

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Earnest Lebouff pleaded guilty to aggravated assault. The trial court found the evidence sufficient to find Lebouff guilty, but deferred further proceedings, placed Lebouff on community supervision for six years, and assessed a fine of \$500. The State subsequently filed a motion to revoke Lebouff's unadjudicated community supervision. Lebouff pleaded "true" to one violation of the conditions of his community supervision. The trial court found that Lebouff had violated the conditions of his community supervision, found Lebouff guilty of aggravated assault, and assessed punishment at five years of confinement.

Lebouff'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.

STEVE McKEITHEN
Chief Justice

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Do Not Publish

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

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