

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00093-CR

SHANTERRIA NICOLE FONTENOT, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 07-01263

MEMORANDUM OPINION

In carrying out a plea-bargain agreement, Shanterria Nicole Fontenot pled guilty to felony criminal mischief. *See* Tex. Penal Code Ann. § 28.03(a)(1), (b)(4)(A) (West 2011).¹ The trial court deferred the adjudication of Fontenot's guilt, placed Fontenot on community supervision for five years, assessed a \$500 fine, and ordered restitution. The State subsequently filed a motion to revoke Fontenot's unadjudicated community

¹Because subsequent amendments to section 28.03 of the Penal Code do not affect the outcome of this appeal, we cite the current version of the statute.

supervision. Fontenot pled “true” to two violations of her community supervision. The trial court found that Fontenot violated the conditions of her community supervision, revoked Fontenot’s unadjudicated community supervision, found Fontenot guilty of felony criminal mischief, and assessed punishment at eighteen months in state jail.

Fontenot’s appellate counsel filed a brief presenting counsel’s professional evaluation of the record and concluding that Fontenot’s 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, 813 (Tex. Crim. App. 1978). Fontenot filed a *pro se* response. The Court of Criminal Appeals has held that we need not address the merits of issues raised in *Anders* briefs or *pro so* 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 [the court] 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 records, counsel’s brief, and Fontenot’s *pro se* response, we agree that Fontenot’s appeal is frivolous. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief Fontenot’s appeal. *See id.*; *cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court’s judgment.²

²Fontenot 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 October 14, 2011
Opinion Delivered October 26, 2011
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.