

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00205-CR

TIMOTHY WAYNE WAGGONER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 09-07560

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, Timothy Wayne Waggoner¹ pleaded guilty to the third degree felony offense of possession of a controlled substance (cocaine) in the amount of one gram or more and less than four grams. *See* Tex. Health & Safety Code Ann. §§ 481.102, 481.115(a),(c) (West 2010). The trial court deferred adjudication of guilt and placed Waggoner on unadjudicated community supervision for three years.

¹The record reflects that Timothy Wayne Waggoner is also known as Timothy W. Waggoner.

Subsequently, the State filed a motion to revoke Waggoner's community supervision. Waggoner pleaded "true" to four violations of his community supervision. The trial court found Waggoner violated the terms of the community supervision order, adjudicated Waggoner's guilt, and sentenced him to two years in prison.

Waggoner's appellate counsel filed an *Anders* brief in which she concluded there are no arguable grounds of error. *See Anders v. California*, 386 U.S. 738, 741-42, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). Waggoner filed a *pro se* brief in response.

An appellate court may determine in an *Anders* case 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." *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We have reviewed the clerk's record, the reporter's record, the *Anders* brief, and the *pro se* response in this case, and we agree with counsel that no arguable issues support an appeal. *Bledsoe*, 178 S.W.3d. at 826-27. We find it unnecessary to order appointment of new counsel to re-brief the appeal. *See id.* at 827; *compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.²

²Waggoner may challenge our decision in this case by filing a petition for discretionary review. Tex. R. App. P. 68.

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on August 16, 2011
Opinion Delivered August 31, 2011
Do Not Publish

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