

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00288-CR

JOSE ANTONIO CIBRIAN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 10-08166

MEMORANDUM OPINION

In carrying out a plea bargain agreement, Jose Antonio Cibrian pled guilty to possession of a controlled substance, a state jail felony. *See* Tex. Health & Safety Code Ann. § 481.115(b) (West 2010). The trial court found the evidence sufficient to find Cibrian guilty, deferred further proceedings, placed Cibrian on community supervision for three years, and ordered that he pay a \$500 fine. Subsequently, the State filed a motion to revoke requesting that the trial court revoke its decision placing Cibrian on unadjudicated community supervision. Cibrian pled “true” to one violation of his community supervision. The trial court found that Cibrian violated the condition of his

community supervision, revoked Cibrian's unadjudicated community supervision, found Cibrian guilty of the offense of possession of a controlled substance, and assessed punishment at two years in state jail. Cibrian appealed.

On appeal, Cibrian's 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 September 8, 2011, we granted an extension of time for the appellant to file a *pro se* brief. Cibrian has not filed a response.

We 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. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

We affirm the trial court's judgment.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on December 7, 2011
Opinion Delivered December 21, 2011
Do Not Publish

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

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