

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00148-CR
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MARTIN JOSEPH LEONARD, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause Nos. 11-12492, 12-13278, and 12-13279

MEMORANDUM OPINION

In these three appeals, Martin Joseph Leonard’s court-appointed appellate counsel filed briefs in which he contends that no arguable grounds can be advanced to support decisions reversing his conviction for aggravated robbery or his two convictions for burglarizing habitations. *See* Tex. Penal Code Ann. §§ 29.03,

30.02(c)(2) (West 2011). Based on our review of the records that are before us in Leonard's appeals, we agree with Leonard's counsel that no arguable issues exist to support the filing of additional briefs with respect to Leonard's appeals. *See Anders v. California*, 386 U.S. 738, 744 (1967).

Leonard appeals from the judgments rendered by the Criminal District Court in trial court cause numbers 11-12492 (aggravated robbery), 12-13278 (burglary of habitation), and 12-13279 (burglary of habitation), all three of which were based on his plea agreements with the State. *See* Tex. Penal Code Ann. §§ 29.03, 30.02(c)(2). In cause number 11-12492, the trial court deferred adjudicating Leonard's guilt and placed him on community service for ten years. After Leonard pled guilty in trial court cause numbers 12-13278 and 12-13279, the trial court found Leonard guilty, assessed Leonard's punishment in each case at ten years in prison, ordered that the sentences in these two causes be served concurrently, but instead of executing the sentences, the trial court placed Leonard on probation. Subsequently, in all three of the cases, the State filed motions asking the trial court to revoke the decisions it made to allow Leonard to avoid going to prison. In the motions, the State argued that Leonard had violated conditions of the terms under which he was on community supervision. The court heard the motions to revoke in a single consolidated hearing. During the hearing, Leonard pled "true" to three of the allegations found in the

State's motions to revoke. After conducting a hearing on the State's motion, the trial court found that Leonard violated three of the conditions imposed on him when the trial court placed Leonard on community-supervision. In trial cause number 11-12492, the trial court revoked the community-supervision order, found Leonard guilty of aggravated robbery, and sentenced Leonard to serve a fifteen-year sentence. In trial court cause numbers 12-13278 and 12-13279, after revoking the orders suspending the execution of Leonard's sentences, the trial court ordered Leonard to serve the ten-year sentences pronounced in those cases, and ordered that Leonard serve the two sentences concurrently.

In Leonard's appeals from the judgments in trial court cause numbers 11-12492, 12-13278 and 12-13279, Leonard's counsel filed briefs presenting counsel's professional evaluations of the records regarding Leonard's convictions. In the briefs, Leonard's counsel concluded that no arguable errors exist in these cases to support the filing in the appeals of merits-based briefs. *See Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). After receiving the *Anders* briefs, we granted an extension of time to allow Leonard to file *pro se* responses in connection with his appeals. Leonard did not do so.

After reviewing the appellate records and *Anders* briefs in the appeals, we agree with the conclusions of Leonard's appellate attorney that briefs presenting

arguments claiming that the judgments rendered in the three cases being appealed should be reversed would be frivolous. Therefore, we conclude it is unnecessary to order the appointment of another attorney to re-brief Leonard's three appeals. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to order the appointment of new counsel only if it determines that there are arguable grounds for an appeal). Given that no arguable errors exist to support Leonard's appeals from the judgments in trial court cause numbers 11-12492, 12-13278, and 12-13279, the judgments the trial court rendered are affirmed.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on December 27, 2016
Opinion Delivered June 21, 2017
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Before Kreger, Horton, and Johnson, JJ.

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