

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00055-CR

JEREMIAH JERMAINE PALMER, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 260th District Court
Orange County, Texas
Trial Cause No. D150021-R

MEMORANDUM OPINION

In this appeal, Jeremiah Jermaine Palmer’s appellate counsel filed a brief in which she contends that no arguable grounds can be advanced to support a decision reversing Palmer’s conviction for robbery. *See* Tex. Penal Code Ann. § 29.02 (West 2011). The record shows that in January 2015, a grand jury charged Palmer with committing an aggravated robbery. *See* Tex. Penal Code Ann. § 29.03 (West 2011).

Based on a plea agreement that he made with the State, Palmer subsequently agreed to plead guilty to the lesser included offense of robbery; in return, the State agreed that it would make no recommendation regarding Palmer's punishment. One month after Palmer pleaded guilty to the charge of robbery, the trial court conducted a sentencing hearing. At the conclusion of the hearing, the trial court pronounced that Palmer was to serve a fifteen year sentence and pay a \$10,000 fine. After the trial court sentenced Palmer, he filed an appeal.

In Palmer's appeal, Palmer's counsel filed a brief that presents counsel's professional evaluation of the record. In the brief, Palmer's counsel concludes that any further efforts to pursue an appeal would be frivolous. *See Anders v. California*, 386 U.S. 738, 744 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). After receiving Palmer's *Anders* brief, we granted an extension of time to allow Palmer to file a *pro se* response. However, no response was filed.

After reviewing the appellate record and the *Anders* brief filed by Palmer's counsel, we agree with counsel's conclusion that an appeal on the current record would be frivolous. Therefore, it is not necessary that we appoint new counsel to re-brief Palmer's appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to appoint other counsel only if it determines that there were arguable grounds for the appeal). Given our conclusion that no

arguable grounds exist to support Palmer's appeal, we affirm the trial court's judgment.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on December 19, 2017
Opinion Delivered December 20, 2017
Do Not Publish

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

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