

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-07-384 CR**  
**NO. 09-07-385 CR**

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**VICTOR TYRONE APLON, Appellant**

**V.**

**STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court**  
**Jefferson County, Texas**  
**Trial Cause Nos. 87672, 88596**

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**MEMORANDUM OPINION**

Victor Tyrone Aplon pled guilty to two offenses of burglary of a habitation. *See* TEX. PEN. CODE ANN. § 30.02(a)(3),(c)(2) (Vernon 2003). In each case, the trial court, pursuant to a plea bargain, deferred adjudication of guilt, placed Aplon on community supervision for six years, and fined him \$500. The State subsequently filed “Motion[s] to Revoke Unadjudicated Probation[.]” In each case, Aplon pled “true” to three violations of his community supervision. The trial court adjudicated his guilt in both cases and sentenced him

to six years in a state jail facility in each case, with the sentences to run concurrently. Aplon appealed.

Appellate counsel filed *Anders* briefs concluding in both matters there are no arguable points of error. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Aplon filed a *pro se* brief in this Court. He styled the brief as a petition for extraordinary relief addressed to the Court of Criminal Appeals. Aplon argues in both cases that he was never served with an indictment, he was denied a timely record on appeal, the evidence was insufficient to support his guilt, and trial counsel coerced him into a plea.

The Court of Criminal Appeals directs that we not address the merits of issues raised in *Anders* briefs or *pro se* responses. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). We may only determine (1) that the appeal is wholly frivolous and issue an opinion explaining that we have reviewed the record and find 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 and reporter's record, we find no reversible error and conclude the appeal is frivolous. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

The judgments of the trial court in cause numbers 87672 and 88596 are affirmed.<sup>1</sup>

AFFIRMED.

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DAVID GAULTNEY  
Justice

Submitted on July 15, 2008  
Opinion Delivered July 16, 2008  
Do Not Publish

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

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<sup>1</sup>Aplon may challenge our decision in this case by filing a petition for discretionary review. *See* TEX. R. APP. P. 68.