

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-07-419 CR

DUC VAN HUYNH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 93393**

MEMORANDUM OPINION

Appellant Duc Van Huynh pled guilty to possession of a controlled substance. On June 15, 2005, the trial court found the evidence sufficient to find Huynh guilty, but deferred further proceedings, placed Huynh on community supervision for seven years, and assessed a fine of \$1,000. On June 15, 2006, the State filed a motion to revoke Huynh’s unadjudicated community supervision. Huynh pled “true” to two violations of the conditions of his community supervision. The trial court found that Huynh violated the conditions of his

community supervision, found Huynh guilty of possession of a controlled substance, and assessed punishment at two years of confinement in TDCJ.

Huynh's appellate 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 January 31, 2008, we granted an extension of time for appellant to file a *pro se* brief. We received no response from appellant. We reviewed the appellate record, and we agree with counsel's conclusion that no arguable issues support an appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.¹

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on May 28, 2008
Opinion Delivered June 25, 2008
Do not publish

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

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