

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00302-CR
NO. 09-09-00303-CR

DAWAYNE FONTNETTE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause Nos. 92795 and 92796

MEMORANDUM OPINION

Appellant Dawayne Fontnette pled guilty to aggravated robbery and assault on a public servant. In each case, the trial court found the evidence sufficient to find Fontnette guilty, but deferred further proceedings, placed Fontnette on community supervision for ten years, and assessed a fine of \$2500. The State subsequently filed a motion to revoke Fontnette's unadjudicated community supervision in both cases. Fontnette pled "true" in both cases to two violations of the conditions of his community supervision. In each case,

the trial court found that Fontnette violated the conditions of his community supervision and found him guilty. In the aggravated robbery case, the trial court assessed punishment at forty-five years of confinement. In the assault on a public servant case, the trial court assessed punishment at ten years of confinement. The trial court ordered that the sentences were to run concurrently.

Fontnette's appellate counsel filed briefs that present counsel's professional evaluation of the records and conclude the appeals are 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 10, 2009, we granted an extension of time in each case for appellant to file a *pro se* brief. We received no response from the appellant. We reviewed the appellate records, and we agree with counsel's conclusion that no arguable issues support the appeals. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeals. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgments.¹

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on February 9, 2010
Opinion Delivered February 17, 2010
Do Not Publish
Before McKeithen, C.J., Kreger and Horton, JJ.

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