

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00415-CR

DARRELL GORDON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 09-03-03231 CR

MEMORANDUM OPINION

The trial court convicted Darrell Gordon for possession of a controlled substance. *See* Tex. Health & Safety Code Ann. § 481.115(a), (b) (West 2010). After Gordon pled true to sequenced prior felony enhancement allegations, the trial court assessed punishment at five years of confinement in the Texas Department of Criminal Justice, Correctional Institutions Division. *See* Tex. Penal Code Ann. § 12.42(a)(2) (West Supp. 2010).

On appeal, Gordon's 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 August 19, 2010, we granted an extension of time for the appellant to file a *pro se* brief. Gordon asked for appointment of new appellate counsel but identified no areas of procedural or substantive concern regarding either the appellate record or the trial court proceedings. *See In re Schulman*, 252 S.W.3d 403, 409 n.23 (Tex. Crim. App. 2008).

We reviewed the appellate record, and we agree with counsel's conclusion that no arguable issues support an appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005); *cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.²

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on December 13, 2010
Opinion Delivered March 23, 2011
Do Not Publish

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

²Appellant may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.