

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00583-CR

DAVID EARL COOKSEY, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 9th District Court
Montgomery County, Texas
Trial Cause No. 08-11-10961 CR

MEMORANDUM OPINION

The trial court convicted David Earl Cooksey, Jr. for burglary of a habitation with intent to commit aggravated sexual assault. *See* TEX. PEN. CODE ANN. § 30.02(d) (Vernon 2003). After Cooksey pled true to habitual offender enhancement allegations, the trial court assessed punishment at confinement for life in the Texas Department of Criminal Justice, Correctional Institutions Division.

On appeal, Cooksey'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 July 1, 2010, we granted an extension of time for the appellant to file a *pro se* brief. Cooksey filed a *pro se* response in which he accepts responsibility and presents no argument that error occurred in the proceedings before the trial court.

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 September 10, 2010
Opinion Delivered September 22, 2010
Do Not Publish

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

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