

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00042-CR

PERRY DONNELL ROBERSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 09-06528**

MEMORANDUM OPINION

Appellant Perry Donnell Roberson pled guilty to the unauthorized use of a motor vehicle and enhancements. The jury assessed punishment at seven years of imprisonment. Roberson filed a timely notice of appeal.

Roberson'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). Roberson filed a *pro se* brief in response. The Court of Criminal Appeals has held that we need 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). Rather, an appellate court may determine either: (1) “that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds 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.*

We have determined that this appeal is wholly frivolous. We have independently examined the clerk’s record and the reporter’s record, and we agree that no arguable issues support an appeal. *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). We affirm the trial court’s judgment¹

AFFIRMED.

CHARLES KREGER
Justice

Submitted on January 24, 2011
Opinion Delivered March 23, 2011
Do not publish

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

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