

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-10-00350-CR**

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**BRENT ALLEN IVEY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 08-03778**

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**MEMORANDUM OPINION**

Pursuant to a plea bargain agreement, appellant Brent Allen Ivey pled guilty to burglary of a habitation. The trial court found the evidence sufficient to find Ivey guilty, but deferred further proceedings, placed Ivey on community supervision for five years, and assessed a fine of \$1000. The State subsequently filed a motion to revoke Ivey's unadjudicated community supervision. Ivey pled "true" to one violation of the conditions of his community supervision. The trial court found that Ivey violated the conditions of

his community supervision, found Ivey guilty of burglary of a habitation, and assessed punishment at eighteen years of confinement.

Ivey'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 September 30, 2010, 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. 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 judgment.<sup>1</sup>

AFFIRMED.

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CHARLES KREGER  
Justice

Submitted January 10, 2011  
Opinion Delivered February 9, 2011  
Do not publish

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

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