

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

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**NO. 09-10-00357-CR**

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**JESSE ADAM BRUMLEY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 97980**

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**MEMORANDUM OPINION**

After entering into a plea-bargain agreement, Jesse Adam Brumley pled no contest to aggravated assault on a public servant. *See* Tex. Penal Code Ann. § 22.02 (West Supp. 2010).<sup>1</sup> In accordance with the plea-bargain agreement, the trial court deferred the adjudication of Brumley's guilt, placed Brumley on community supervision for ten years, and assessed a \$1000 fine. The State subsequently filed a motion to revoke Brumley's

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<sup>1</sup>We cite to the current version of section 22.02 even though the statute was amended in 2009, because the 2009 amendment does not affect the outcome of this appeal.

unadjudicated community supervision. The motion alleged that Brumley committed four violations of the terms that had been established for his community supervision. Brumley pled “true” to all four violations. The trial court accepted Brumley’s pleas, found the evidence sufficient to find all four of the counts to be true, revoked Brumley’s unadjudicated community supervision, found Brumley guilty, and then sentenced Brumley to thirty-five years in prison.

Brumley’s appellate counsel filed a brief presenting counsel’s professional evaluation of the record and concluding that 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). Brumley 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.*

Having reviewed the clerk’s record, the reporter’s record, counsel’s brief, and Brumley’s *pro se* brief, we agree that Brumley’s appeal is frivolous. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief Brumley’s appeal.

*See id.*; compare *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.<sup>2</sup>

AFFIRMED.

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HOLLIS HORTON  
Justice

Submitted on April 11, 2011  
Opinion Delivered May 11, 2011  
Do Not Publish

Before Gaultney, Kreger, and Horton, JJ.

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<sup>2</sup>Brumley may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68. Additionally, relief in appropriate cases for claims of ineffective assistance of counsel is generally available through an application for a writ of habeas corpus. *See Thompson v. State*, 9 S.W.3d 808, 814-15 (Tex. Crim. App. 1999).