

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

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**NO. 09-10-00373-CR**

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**MIRANDA RAE BAILEY, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 359th District Court**  
**Montgomery County, Texas**  
**Trial Cause No. 08-06-06099 CR**

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**MEMORANDUM OPINION**

Miranda Rae Bailey pleaded guilty to the third degree felony offense of possession of a controlled substance, methamphetamine, in an amount of one gram or more but less than four grams. *See* Tex. Health & Safety Code Ann. § 481.115(c) (West 2010).<sup>1</sup> The trial court found the evidence sufficient to find Bailey guilty, but on April 7, 2009, the trial court deferred further proceedings and placed Bailey on community supervision for four years. The State subsequently filed a motion to adjudicate guilt.

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<sup>1</sup> Because the elements of the offense have not substantively changed since the date of Bailey's offense, we cite to the current version of the statute.

Bailey entered pleas of “true” to six of the nine alleged violations of the conditions of her community supervision. The trial court found that Bailey violated the conditions of her community supervision, found Bailey guilty of possession of a controlled substance, and assessed punishment at five years of incarceration in the Correctional Institutions Division of the Texas Department of Criminal Justice.

Bailey’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 January 20, 2011, we granted an extension of time for appellant to file a *pro se* brief. We received no response from appellant. We have 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>2</sup>

AFFIRMED.

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STEVE McKEITHEN  
Chief Justice

Submitted on April 29, 2011  
Opinion Delivered May 11, 2011  
Do Not Publish  
Before McKeithen, C.J., Gaultney and Kreger, JJ.

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