

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00376-CR

MARCUS WILLIS CAREY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 07-00828

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Marcus Willis Carey pled guilty to injury to a child. The trial court found the evidence sufficient to find Carey guilty, but deferred further proceedings, placed Carey on community supervision for five years, and assessed a fine of \$500. The State subsequently filed a motion to revoke Carey's unadjudicated community supervision. Carey pled "true" to three violations of the conditions of his community supervision. The trial court found that Carey violated the

conditions of his community supervision, found Carey guilty of injury to a child, and assessed punishment at ten years of confinement.

Carey'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 October 21, 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.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on February 9, 2011
Opinion Delivered February 23, 2011
Do Not Publish

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

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