

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

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**NO. 09-10-00455-CR**

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**EARL WAYNE WILMORE, JR., Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 08-04116**

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**MEMORANDUM OPINION**

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

guilty of injury to a disabled individual, and assessed punishment at two years of confinement in a state jail facility.

Wilmore'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 6, 2011, we granted an extension of time for Wilmore to file a *pro se* brief. We received no response from Wilmore. 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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HOLLIS HORTON  
Justice

Submitted on April 6, 2011  
Opinion Delivered April 27, 2011  
Do Not Publish

Before McKeithen, C.J., Gaultney and Horton, 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.