

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00527-CR

HAROLD LEE THOMAS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 07-06114

MEMORANDUM OPINION

A jury convicted Harold Lee Thomas of harassment in a correctional facility. Thomas pleaded “true” to one enhancement paragraph, which alleged that Thomas has a prior conviction for burglary of a habitation. The jury sentenced Thomas to seven years in prison. The trial court ordered Thomas’s sentence to run consecutively to his prior thirteen-year sentence for burglary of a habitation and his prior sixty-year sentence for aggravated robbery. Thomas appealed.

Thomas’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). Thomas 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.*

We have determined that this appeal is wholly frivolous. We have independently examined the clerk’s record and the reporter’s record, and we agree that no arguable issues support an appeal. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief Thomas’s appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court’s judgment.¹

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on July 18, 2011
Opinion Delivered July 27, 2011
Do Not Publish

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

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