

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-10-00529-CR

JOHN EMERSON THOMAS A/K/A JOHN THOMAS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 81074

MEMORANDUM OPINION

Pursuant to a plea bargain, John Emerson Thomas pleaded guilty to felony driving while intoxicated. The trial court found Thomas guilty, sentenced him to ten years in prison, suspended the imposition of the sentence, and placed him on community supervision for ten years, and assessed a \$2500 fine. The State later filed a motion to revoke. Thomas pleaded “true” to three violations of the community supervision order. The trial court revoked his community supervision and sentenced him to ten years in prison. Thomas appealed.

Appellate counsel filed an *Anders* 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 Thomas to file a *pro se* brief. Thomas filed *pro se* briefs raising various issues, including ineffective assistance of counsel, defective indictment, and incorrect cause number, and he filed other documents in response, one labeled extraordinary writ of mandamus, complaining of his conviction.

In *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005), the Court of Criminal Appeals explained the process an appellate court follows in considering *Anders* briefs and *pro se* responses. 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 independently examined the clerk's record, the reporter's record, the *Anders* brief, and the *pro se* briefs filed by Thomas in this case, and we agree that no arguable issues support an appeal. *See id.* We find it unnecessary to order appointment of new counsel to re-brief the appeal. *See id.*; compare *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.¹

¹ Thomas may challenge our decision in this case by filing a petition for discretionary review. *See Tex. R. App. 68.* Additionally, relief in appropriate cases for

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on July 19, 2011
Opinion Delivered August 10, 2011
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Before Gaultney, Kreger, and Horton, JJ.

claims of ineffective assistance of counsel may be available by filing an application for a writ of habeas corpus with the Court of Criminal Appeals. *See Thompson v. State*, 9 S.W.3d 808, 814-15 (Tex. Crim. App. 1999).