

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00005-CR
NO. 09-11-00006-CR

PRESTON LEE DAVIS, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause Nos. 07-01277 and 10-09593

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Preston Lee Davis, Jr. pleaded guilty to delivery of marijuana. In an open plea, Davis also pleaded guilty to felony driving while intoxicated. In the delivery of marijuana case, the trial court found the evidence sufficient to find Davis guilty, but deferred further proceedings, placed Davis on community supervision for three years, and assessed a fine of \$750. The State subsequently filed a motion to revoke Davis's unadjudicated community supervision. Davis pleaded "true" to two violations of the conditions of his community supervision. The trial court found that Davis had violated the conditions of his community

supervision, found Davis guilty of delivery of marijuana, and assessed punishment at two years of confinement in a state jail facility. In the felony driving while intoxicated case, the trial court assessed punishment at three years of confinement in the Institutional Division of the Texas Department of Criminal Justice. The trial court ordered that the cases would run concurrently.

Davis's appellate counsel filed a brief that presents counsel's professional evaluation of the records and concludes the appeals are 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 27, 2011, we granted an extension of time for appellant to file *pro se* briefs. We received no response from appellant. We have reviewed the appellate records, and we agree with counsel's conclusion that no arguable issues support the appeals. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeals. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgments.¹

AFFIRMED.

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Do Not Publish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.

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