

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00037-CR

DAVID WAYNE DISOMBA, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 09-06226

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant David Wayne Disomba pleaded guilty to burglary of a building. The trial court deferred adjudication of guilt, placed Disomba on unadjudicated community supervision for four years, and assessed a fine. The State filed a motion to revoke the community supervision order. The trial court found Disomba violated the terms of the community supervision order, adjudicated his guilt, and sentenced him to eighteen months of confinement in a state jail facility. Disomba filed this appeal.

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 April 7, 2011, we granted an extension of time for Disomba to file a *pro se* brief. We have not received a *pro-se* response from Disomba.

In response to an inquiry concerning a \$1000 attorney fee that appears to be unsupported on a list of administrative costs, both appellant and the State informed the Court that they agree to a reduction of that amount. The record does not support an award of attorney fees, and the judgment does not require Disomba to pay any attorney fees.

We have independently reviewed the appellate record and the *Anders* brief in this case, and we agree with appellate counsel's conclusion that no arguable issues support an appeal. *See id.* Therefore, we find it unnecessary to order appointment of new counsel to re-brief Disomba's 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

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on July 11, 2011
Opinion Delivered August 10, 2011
Do Not Publish

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

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