

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00160-CR

JERALD JEVON RIDEAUX, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 08-05288

MEMORANDUM OPINION

Appellant Jerald Jevon Rideaux pleaded guilty to possession of a controlled substance, namely cocaine, pursuant to both agreed and unagreed punishment recommendations. Rideaux and the State agreed that his punishment would be deferred adjudication, a fine in the amount of \$500, and the dismissal of a different case. The “unagreed” part of the recommendation was the specific number of years of community supervision. Rideaux recommended three years and the State recommended waiting for the recommendations contained in the presentence investigation report. The trial court

reset the case. The trial court found the evidence sufficient to find Rideaux guilty, but the court deferred further proceedings, placed Rideaux on community supervision for three years, and assessed a fine of \$500.

The State subsequently filed a motion to revoke Rideaux's unadjudicated community supervision. Rideaux pleaded "true" to three violations of the conditions of his community supervision. The trial court found that Rideaux had violated the conditions of his community supervision, found Rideaux guilty of possession of a controlled substance, and assessed punishment at nine years of confinement.

Rideaux'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 June 17, 2011, we granted appellant's motion for extension of time to file a *pro se* brief. We received no response from appellant. 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.¹

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

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on August 22, 2011
Opinion Delivered August 31, 2011
Do Not Publish

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