

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00666-CR

HARGUST JOHNSON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 11-12147

MEMORANDUM OPINION

Appellant Hargust Johnson¹ was indicted for the State Jail felony offense of burglary of a building. He entered a plea of not guilty to the charge. A jury found appellant guilty of burglary of a building and assessed punishment at fifteen months confinement, and a fine of \$500. The trial court sentenced appellant to fifteen months confinement, and assessed a fine of \$500.

¹ Hargust Johnson is also known as Jay Johnson.

Johnson'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 July 5, 2012, we granted an extension of time for appellant to file a *pro se* brief. We received no response from the appellant.

We have 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.²

AFFIRMED.

CHARLES KREGER
Justice

Submitted on October 1, 2012
Opinion Delivered October 10, 2012
Do not publish

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

² Appellant may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.