

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00165-CR
NO. 09-13-00166-CR
NO. 09-13-00167-CR

WILLIE DARNELL CLEVELAND SR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 12-08-08833-CR, Counts I, II, and III

MEMORANDUM OPINION

Willie Darnell Cleveland Sr. pleaded guilty to aggravated assault against a public servant, aggravated assault with a deadly weapon, and unlawful possession of a firearm by a felon. A jury assessed punishment at life imprisonment and a \$10,000 fine on the charges of aggravated assault against a public servant and aggravated assault with a deadly weapon, and twenty years and a \$10,000 fine on the charge of unlawful possession of a firearm by a felon.

Cleveland'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 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On December 30, 2013, we granted an extension of time for Cleveland to file a *pro se* brief in each case. Cleveland filed a *pro se* brief in response. The Court of Criminal Appeals has held that we need not address the merits of issues raised in *Anders* briefs or *pro se* responses. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Rather, 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 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 of conviction.¹

¹Cleveland may challenge our decision in these cases by filing a petition for discretionary review. *See* Tex. R. App. P. 68.

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on April 1, 2014
Opinion Delivered April 9, 2014
Do Not Publish

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