

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00408-CR

ERNEST JOE BILNOSKI, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 13-07-07790 CR

MEMORANDUM OPINION

A jury found appellant Ernest Joe Bilnoski guilty of arson as a habitual felony offender and assessed punishment at forty-five years of imprisonment. Bilnoski'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 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

Bilnoski 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 have reviewed the appellate record, and we agree with 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 the appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court’s judgment.¹

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on August 22, 2014
Opinion Delivered September 17, 2014
Do Not Publish

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

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