

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-14-00216-CR

AARON EDWARD DOWDEN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 10-08872

MEMORANDUM OPINION

In this appeal, Aaron Edward Dowden’s court-appointed counsel filed a brief contending no arguable grounds can be advanced to support reversing Dowden’s felony conviction of driving while intoxicated. Based on our review of the record, we agree with Dowden’s counsel that no arguable issues exist that would support a decision to reverse the judgment being appealed. *See Anders v. California*, 386 U.S. 738 (1967).

After pleading guilty, Dowden was found guilty of driving while intoxicated, a third-degree felony, sentenced to three years in prison, and assessed a \$500 fine. *See* Tex. Penal Code Ann. §§ 49.04(a), 49.09(b)(2) (West Supp. 2014).¹ However, the trial court suspended Dowden’s sentence and placed him on probation for three years. Approximately two years later, the State filed a motion asking the trial court to revoke its decision placing Dowden on probation. During the hearing on the State’s motion, Dowden pled “true” to violating several of the terms of the order governing his probation. Based on its findings that Dowden violated the order that governed the terms of his probation, the trial court revoked its order of probation, and assessed a sentence requiring that Dowden be imprisoned for three years, noting the credits to which he was entitled for the time that he had already served.

On appeal, Dowden’s counsel filed a brief presenting counsel’s professional evaluation of the record; in the brief, Dowden’s counsel concludes that Dowden’s appeal is frivolous. *See Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). We granted an extension of time to allow Dowden to file a *pro se* brief. Dowden has not filed a response.

¹We cite to the current version of the statutes because the subsequent amendments do not affect the outcome of this appeal.

After reviewing the appellate record and the *Anders* brief filed by Dowden's counsel, we agree with counsel's conclusion that any appeal would be frivolous. Therefore, we need not order the appointment of new counsel to re-brief Dowden's appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). Because no arguable issues support Dowden's appeal, we affirm the trial court's judgment.²

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on January 5, 2015
Opinion Delivered March 25, 2015
Do Not Publish

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

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