

**In The**  
***Court of Appeals***  
***Ninth District of Texas at Beaumont***

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**NO. 09-14-00430-CR**

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**MELISSA STONE PRENTICE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 258th District Court**  
**Polk County, Texas**  
**Trial Cause No. 21960**

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**MEMORANDUM OPINION**

In this appeal, court-appointed appellate counsel representing Melissa Stone Prentice submitted a brief that contends no arguable grounds can be advanced to support arguments that would result in our reversing the trial court's judgment. The judgment being appealed reflects that Prentice was convicted of driving while intoxicated, third or more offense. *See* Tex. Penal Code Ann. § 49.09(b)(2) (West

Supp. 2014).<sup>1</sup> Based on our review of the records, we agree with appellate counsel that no arguable issues exist to support Prentice’s appeal. *See Anders v. California*, 386 U.S. 738 (1967).

Prentice pled guilty to driving while intoxicated, third or more offense. *See* Tex. Penal Code Ann. § 49.09(b)(2). The trial court found Prentice guilty of driving while intoxicated, sentenced her to ten years in prison, and assessed a \$2,500 fine. After pronouncing sentence, the trial court suspended the sentence, and placed Prentice on probation for ten years.

Subsequently, the State filed a motion alleging that Prentice violated several provisions of the order governing the terms of her probation. Prentice pled “not true” to the allegations in the State’s motion. After conducting an evidentiary hearing, the trial court found several of the allegations true and then revoked the order used to place Prentice on probation. After setting aside the order, the trial court rendered judgment, requiring that Prentice serve a sentence of ten years in prison.

In her appeal, Prentice’s appellate counsel filed a brief presenting counsel’s professional evaluation of the record. In the brief, Prentice’s counsel concludes that Prentice’s appeal is frivolous. *See Anders*, 386 U.S. at 744; *High v. State*, 573

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<sup>1</sup>We cite to the current version of the Texas Penal Code, as any amendments to this section do not affect this appeal.

S.W.2d 807 (Tex. Crim. App. 1978). We granted an extension to allow Prentice additional time to file a *pro se* brief; however, she did not respond.

After reviewing the appellate records and the *Anders* brief filed by Prentice's counsel, we agree with counsel's conclusions that any appeal would be frivolous. Consequently, we need not order the appointment of new counsel to re-brief Prentice's appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.<sup>2</sup>

AFFIRMED.

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HOLLIS HORTON  
Justice

Submitted on February 20, 2015  
Opinion Delivered March 25, 2015  
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.

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<sup>2</sup>Prentice may challenge our decision in her appeal by filing a petition for discretionary review. *See* Tex. R. App. P. 68.