

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

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**NO. 09-14-00474-CR**

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**TOMMY LEE FLEMON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 11-12016**

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**MEMORANDUM OPINION**

Pursuant to a plea bargain agreement, appellant Tommy Lee Flemon (Flemon)<sup>1</sup> pleaded guilty to the second-degree felony offense of indecency with a child, enhanced by a prior felony conviction. *See* Tex. Penal Code Ann. §

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<sup>1</sup>On the judgment from which he appeals, Flemon is identified as “Tommy Flemon AKA Tommy Lee Flemon[.]”

21.11(a)(1), (d) (West 2011); § 12.42(b) (West Supp. 2014)<sup>2</sup>. The trial court found the evidence sufficient to find Flemon guilty, but deferred further proceedings and placed Flemon on community supervision for ten years and assessed a \$1,000 fine. The State subsequently filed a motion to revoke Flemon’s unadjudicated community supervision. Flemon pleaded “true” to the alleged violations of the conditions of his community supervision. The trial court found that Flemon violated the conditions of his community supervision, and that Flemon was guilty of indecency with a child. The trial court assessed punishment at twenty years of confinement.

Flemon’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). On January 20, 2015, we granted an extension of time for Flemon to file a *pro se* brief. We received no response from Flemon. 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 the appointment of

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<sup>2</sup>We cite to the current version of the statute as the subsequent amendments do not affect the outcome of this appeal.

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.<sup>3</sup>

AFFIRMED.

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LEANNE JOHNSON  
Justice

Submitted on April 28, 2015  
Opinion Delivered May 6, 2015  
Do Not Publish

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

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<sup>3</sup>Flemon may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.