

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

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**NO. 09-14-00402-CR**

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**JEREMY BRANDON ROSS, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 12-14508**

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**MEMORANDUM OPINION**

In this appeal, Jeremy Brandon Ross’s court-appointed counsel filed a brief contending no arguable grounds can be advanced to support reversing Ross’s felony conviction of aggravated assault with a deadly weapon, a second-degree felony. *See* Tex. Penal Code Ann. § 22.02 (West 2011). Based on our review of the record, we agree with Ross’s counsel that no arguable issues exist to support a

decision reversing the judgment Ross has appealed. *See Anders v. California*, 386 U.S. 738 (1967).

After Ross pled guilty to an indictment alleging that he committed aggravated assault with a deadly weapon, the trial court deferred adjudicating Ross's guilt and placed him on community supervision for six years. *See* Tex. Penal Code Ann. § 22.02. Subsequently, the State filed a motion asking the trial court to revoke the trial court's community-supervision order. During the hearing on the State's motion, Ross pled "true" to violating several of the terms of the conditions of the order governing his community supervision obligations. Based on Ross's plea of true to several violations of the trial court's community supervision order, the court revoked its order of community supervision, adjudicated Ross guilty of having committed aggravated assault with a deadly weapon, and assessed an eight-year sentence.

On appeal, Ross's counsel filed a brief presenting counsel's professional evaluation of the record; in the brief, Ross's counsel concludes that any appeal would be 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 Ross to file a pro se brief. Ross filed a response, and in one issue, argued that the trial court, in

its final judgment, had failed to credit him with all of the jail-time that he served before being sentenced.

After reviewing the appellate record, the *Anders* brief filed by Ross's counsel, and Ross's pro se response, we agree that any appeal would be frivolous.<sup>1</sup> Therefore, we need not order the appointment of new counsel to re-brief Ross's appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to appoint other counsel only if it determines that there were arguable grounds for the appeal). We affirm the trial court's judgment.<sup>2</sup>

AFFIRMED.

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HOLLIS HORTON  
Justice

Submitted on August 7, 2015  
Opinion Delivered January 20, 2016  
Do Not Publish  
Before Kreger, Horton, and Johnson, JJ.

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<sup>1</sup> While we have found that any appeal would be frivolous, we note that documents attached to Ross's pro se response regarding his claim alleging he was not properly given the credit he should have been given for the time he served in jail before being sentenced are not properly before us as a part of the appellate record. Therefore, we are unable to consider those documents in this appeal. *See Whitehead v. State*, 130 S.W.3d 866, 872 (Tex. Crim. App. 2004) (explaining that an appellate court's review of the record is limited to the evidence before the trial court at the time of the court's ruling and the supplementation rules cannot be used to create new evidence).

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