

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00064-CR

CALE LOUIS O'PRY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 12-14117

MEMORANDUM OPINION

In this appeal, Cale Louis O'Pry's court-appointed counsel filed a brief in which he contends that no arguable grounds can be advanced to support a decision reversing O'Pry's felony conviction for aggravated robbery. We have reviewed the record, and we agree with O'Pry's counsel that no arguable issues exist supporting a reversal of the judgment finding O'Pry guilty of aggravated robbery. *See Anders v. California*, 386 U.S. 738 (1967).

In 2013, O’Pry pleaded guilty to committing aggravated robbery. Based on his plea, the trial court deferred adjudicating him guilty of that offense, and instead, the court placed O’Pry on community supervision for a period of ten years. Approximately two years later, on the State’s motion, the State asked that the trial court revoke its community-supervision order, arguing that O’Pry had violated various terms that are found in the community-supervision order that governed his conduct while he was under the court’s supervision. In the hearing on the motion, O’Pry pleaded true to a number of the State’s allegations that he had violated various terms of the community-supervision order. At the conclusion of the hearing, the trial court revoked its community-supervision order and found O’Pry guilty of having committed aggravated robbery. In the same proceeding, the court sentenced O’Pry to serve a sentence requiring that he be confined in prison for a term of twenty years.

In O’Pry’s appeal from the trial court’s judgment, O’Pry’s counsel filed a brief that presents counsel’s professional evaluation of the record. In the brief, O’Pry’s counsel concludes that no arguable errors exist to support an appeal under the facts and surrounding circumstances regarding his case. *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 O’Pry an opportunity to file a pro se brief, but he did not file one.

After reviewing the appellate record and the *Anders* brief filed by O’Pry’s counsel, we agree that no arguable issues can be raised such that appealing his case would not be frivolous. Therefore, we conclude that we need not order that new counsel be appointed to re-brief O’Pry’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.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on October 16, 2015
Opinion Delivered May 25, 2016
Do Not Publish

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

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