

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-15-00307-CR

SAMUEL COLLETTE JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 2
Jefferson County, Texas
Trial Cause No. 302496

MEMORANDUM OPINION

A jury found Samuel Collette Jr. (Collette) guilty of driving while intoxicated with an open container of alcohol. *See* Tex. Penal Code Ann. § 49.04(a), (c) (West Supp. 2015). The trial court sentenced Collette to 180 days in jail, with credit for time served. Collette timely filed a notice of appeal.

Collette'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). We granted an extension of time for Collette to file a *pro se* brief. Collette did not respond or file a *pro se* brief.

We have independently examined the entire appellate record in this matter, and we agree that no arguable issues support an appeal. We have determined that this appeal is wholly frivolous. Therefore, we find it unnecessary to order appointment of 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.¹

AFFIRMED.

LEANNE JOHNSON
Justice

Submitted on April 7, 2016
Opinion Delivered April 13, 2016
Do Not Publish

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

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