

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

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**NO. 09-15-00447-CR**

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**DARRELL RAY YATES, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 258th District Court**  
**San Jacinto County, Texas**  
**Trial Cause No. 11,484**

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**MEMORANDUM OPINION**

A jury found Darrell Ray Yates (Yates) guilty of injury to an elderly individual, and the trial court assessed punishment at five years of confinement. *See* Tex. Penal Code Ann. § 22.04 (West Supp. 2016). Yates timely filed a notice of appeal.

Yates'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 September 2, 2016, we granted an extension of time for Yates to file a *pro se* brief. We received no response from Yates.

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. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.<sup>1</sup>

AFFIRMED.

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LEANNE JOHNSON  
Justice

Submitted on December 5, 2016  
Opinion Delivered December 7, 2016  
Do Not Publish

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

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<sup>1</sup> Yates may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.