

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00193-CR

KENNETH THOMAS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 12-13358

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Kenneth Thomas¹ pleaded guilty to burglary of a habitation. The trial court found the evidence sufficient to find Thomas guilty, but deferred further proceedings, placed Thomas on community supervision for four years, and assessed a fine of \$1000. The State subsequently filed a motion to revoke Thomas's unadjudicated community

¹The clerk's record shows that Kenneth Thomas is also known as Kenneth Earl Thomas.

supervision. Thomas pleaded “true” to four violations of the conditions of his community supervision. The trial court found that Thomas had violated the conditions of his community supervision, found Thomas guilty of burglary of a habitation, and assessed punishment at seven years of confinement.

Thomas’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 October 6, 2016, we granted an extension of time for Thomas to file a *pro se* brief. We received no response from Thomas. We have reviewed the appellate record, and we agree with counsel’s conclusion that no arguable issues support the appeal. 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.²

AFFIRMED.

STEVE McKEITHEN
Chief Justice

²Thomas may challenge our decision in this case by filing a petition for discretionary review. *See Tex. R. App. P. 68.*

Submitted on December 27, 2016
Opinion Delivered December 28, 2016
Do Not Publish

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