

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00002-CR

CAREY S. JOSEPH, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 13-17640

MEMORANDUM OPINION

On September 5, 2013, Carey S. Joseph (Joseph) was indicted for aggravated assault with a deadly weapon. On June 9, 2014, Joseph pleaded guilty to aggravated assault pursuant to a plea agreement, and the trial court deferred adjudication and placed Joseph on community supervision for ten years. On June 9, 2015, the State filed a motion to revoke alleging that Joseph had violated five conditions of his community supervision. Joseph pleaded “true” to three alleged violations and pleaded “not true” to two of the alleged violations. After a hearing

on December 18, 2015, the court found the evidence was sufficient that Joseph had violated the three terms of his community supervision to which Joseph had pleaded “true,” adjudicated Joseph’s guilt, and set punishment at eight years of confinement. *See* Tex. Penal Code Ann. § 22.02(a)(1) (West 2011). Joseph timely filed a notice of appeal.

Joseph’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 11, 2016, and November 17, 2016, we granted an extension of time for Joseph to file a pro se brief, and on November 17, 2016, Joseph filed a pro se brief. In response, the State filed a brief stating that the issues advanced by Joseph in his pro se brief lacked merit.

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.¹

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

AFFIRMED.

LEANNE JOHNSON
Justice

Submitted on October 28, 2016
Opinion Delivered January 11, 2017
Do Not Publish

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