

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00190-CR

JOHN MARK HAMMETT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 12-03-02608-CR**

MEMORANDUM OPINION

On March 8, 2012, John Mark Hammett was indicted for aggravated sexual assault of a child, a first degree felony. *See* Tex. Penal Code Ann. § 22.021(a), (e) (West Supp. 2016). Hammett pleaded guilty to the offense, and on November 3, 2015, the trial court entered an order of deferred adjudication, placing Hammett on community supervision for a period of seven years. On November 17, 2015, the State filed a motion to adjudicate guilt, alleging that Hammett had violated two conditions of his community supervision. On May 13, 2016, Hammett pleaded “not true” to

both counts in the State's motion. After hearing evidence, the court found both violations alleged in the State's motion to be true, adjudicated Hammett's guilt, and sentenced him to ten years of confinement. Hammett timely filed a notice of appeal.

Hammett's appellate counsel thereafter 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. [Panel Op.] 1978). We granted an extension of time for Hammett to file a *pro se* brief, but we received no response from him.

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

AFFIRMED.

CHARLES KREGER
Justice

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

Submitted on March 15, 2017
Opinion Delivered November 15, 2017
Do Not Publish

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