

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-16-00300-CR

CURTIS DONOVAN ROSE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
Jefferson County, Texas
Trial Cause No. 14-19685

MEMORANDUM OPINION

On June 19, 2014, a grand jury indicted Curtis Donovan Rose for sexual assault of a child, a second degree felony. *See* Tex. Penal Code Ann. § 22.011(a)(2)(A) On July 6, 2015, Rose appeared before the trial court, waived his right to a jury trial, and pleaded guilty to the offense as charged. The trial court accepted Rose's plea and recessed the matter. On August 10, 2015, the trial court placed Rose on deferred adjudication probation for a period of ten years and imposed a \$1,000.00 fine.

On May 23, 2016, the State filed a motion to revoke Rose’s unadjudicated probation. On July 29, 2016, a hearing on the State’s motion was conducted, and Rose, represented by counsel, pled “true” to several of the alleged violations of the conditions of his deferred adjudication order. The trial court revoked Rose’s probation, found Rose guilty of sexual assault of a child, and sentenced him to ten years in the institutional division of the Texas Department of Criminal Justice.

Rose timely filed a notice of appeal. Rose’s appellate counsel subsequently 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). Subsequently, Rose filed a *pro se* brief. The State filed a response brief arguing that Rose’s issues are without merit.

This Court has independently examined the entire appellate record in this matter, and we agree that no arguable issues support an appeal. We have determined that any appeal would be 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 Rose may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.

AFFIRMED.

CHARLES KREGER
Justice

Submitted on January 27, 2017
Opinion Delivered November 15, 2017
Do Not Publish

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