

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

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**NO. 09-16-00430-CR**

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**RICKY DUANE MARTINEZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 252nd District Court**  
**Jefferson County, Texas**  
**Trial Cause No. 08-2705**

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**MEMORANDUM OPINION**

In January of 2008, Ricky Duane Martinez was indicted on a third-degree felony count of driving while intoxicated, third or more. *See* Tex. Penal Code Ann. §§ 49.04, 49.09(b) (West Supp. 2016).<sup>1</sup> Pursuant to a plea agreement, Martinez pleaded guilty. In October of 2008, the trial court convicted Martinez and assessed his punishment at eight years' confinement, suspended imposition of sentence,

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<sup>1</sup> We cite to the current version of the statutes because subsequent amendments do not affect the outcome of this appeal.

placed Martinez on community supervision for eight years, and assessed a fine of \$1,000.

In May of 2016, the State filed a motion to revoke Martinez's community supervision, and the State amended the motion in July of 2016. Martinez pleaded "[n]ot true[]" to violating four conditions of his community supervision. In October of 2016, after a revocation hearing during which the court heard testimony and evidence, the trial court found by a preponderance of the evidence that Martinez violated three conditions of his community supervision, revoked Martinez's community supervision, and imposed a sentence of four years' confinement. After the court certified Martinez's right of appeal, Martinez timely filed a notice of appeal.

Martinez's appellate counsel filed a brief that presents counsel's professional evaluation of the record and concludes that the appeal is frivolous and there are no meritorious claims for appeal. *See Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). We granted an extension of time for Martinez to file a pro se brief, and we received no response from Martinez.

We have independently reviewed the entire appellate record, and we agree with Martinez's appellate counsel that no arguable issues support an appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief

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

AFFIRMED.

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LEANNE JOHNSON  
Justice

Submitted on July 27, 2017  
Opinion Delivered August 2, 2017  
Do Not Publish

Before Kreger, Horton, and Johnson, JJ.

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<sup>2</sup> Martinez may challenge our decision in this case by filing a petition for discretionary review. *See* Tex. R. App. P. 68.