

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-17-00012-CR

GALEN DWAYNE BAUGUS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 08-12-11826-CR

MEMORANDUM OPINION

In this appeal, the court-appointed appellate counsel for Galen Dwayne Baugus filed a brief in which she contends that she can advance no arguable grounds to support a decision reversing Baugus’s conviction for sexual assault. *See* Tex. Penal Code Ann. § 22.011(a)(1) (West Supp. 2017). After reviewing the record, we agree with Baugus’s counsel that no arguable issues exist to support his appeal. *See Anders v. California*, 386 U.S. 738, 744 (1967).

Based on his plea agreement, Baugus pleaded guilty to an indictment charging him with sexual assault, a second-degree felony. *See* Tex. Penal Code Ann. § 22.022(a)(1)(A), (f) (West Supp. 2017). Based on Baugus’s plea, the trial court deferred adjudicating Baugus’s guilt and placed him on community supervision for six years. Subsequently, the State filed an amended motion to revoke the trial court’s community-supervision order, alleging that Baugus had violated ten of the requirements in the order.

During the hearing on the State’s motion, Baugus pleaded “not true” to nine of the alleged violations, and the State abandoned the other. Three witnesses testified during the hearing. At the end of the hearing, the trial court found that Baugus violated six of the conditions required by the trial court’s community-supervision order. Based on those findings, the trial court found Baugus guilty of sexual assault, and sentenced him to confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of twenty years.

In Baugus’s appeal, counsel representing Baugus filed a brief presenting counsel’s professional evaluation of the record. In the brief, counsel concludes that no arguable errors exist to support filing a merits-based brief. *See Anders*, 386 U.S. at 744; *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). After receiving the

Anders brief, we extended the briefing deadlines to allow Baugus time to file a *pro se* response. Even so, Baugus did not file a response.

After reviewing the appellate record and the *Anders* brief that are before us in the appeal, we agree with counsel's conclusion that any appeal would be frivolous. Thus, we conclude that no further briefing is required to dispose of Baugus's appeal. *Cf. Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (requiring the court of appeals to appoint new counsel only if it determines that there were arguable grounds for the appeal). Given our conclusion that no arguable error exists to support Baugus's appeal, we affirm the trial court's judgment.¹

AFFIRMED.

HOLLIS HORTON
Justice

Submitted on March 13, 2018
Opinion Delivered August 15, 2018
Do Not Publish

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

¹ Baugus may challenge our decision by petitioning for discretionary review. Tex. R. App. P. 68.