

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-18-00190-CR

DAVID DEWAYNE GARRETT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 128th District Court
Orange County, Texas
Trial Cause No. A170319-R**

MEMORANDUM OPINION

A jury found appellant David Dewayne Garrett¹ guilty of burglary of a habitation and assessed punishment as a previous felony offender at fifty-five years of imprisonment and a \$7500 fine. Garrett's appellate counsel filed a brief that presents counsel's professional evaluation of the record and concludes the appeal is

¹Although not an arguable issue, we note that appellant's middle name is misspelled in the indictment and the trial court's judgment.

frivolous. *See Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

On November 19, 2018, we granted an extension of time for Garrett to file a *pro se* brief. Garrett filed a *pro se* brief in response. The Court of Criminal Appeals has held that we need not address the merits of issues raised in an *Anders* brief or a *pro se* response. *Bledsoe v. State*, 178 S.W.3d 824, 826-27 (Tex. Crim. App. 2005). Rather, an appellate court may determine: (1) “that the appeal is wholly frivolous and issue an opinion explaining that it has reviewed the record and finds no reversible error[;]” or (2) “that arguable grounds for appeal exist and remand the cause to the trial court so that new counsel may be appointed to brief the issues.” *Id.*

We reviewed the appellate record, and we agree with counsel’s conclusion that no arguable issues support an appeal. *See id.* 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.²

AFFIRMED.

STEVE McKEITHEN
Chief Justice

²Garrett may challenge our decision in this case by filing a petition for discretionary review. *See Tex. R. App. P.* 68.

Submitted on June 6, 2019
Opinion Delivered August 7, 2019
Do Not Publish

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