

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-19-00015-CR

PEDRO GARCIA III, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 18-04-05512-CR**

MEMORANDUM OPINION

On July 17, 2018, a Montgomery County Grand Jury indicted Pedro Garcia, III for theft of property in an amount less than \$2,500, a class A misdemeanor enhanced to a state jail felony based on multiple prior theft convictions. *See* Tex. Penal Code Ann. § 31.03(e)(4)(D). The State further alleged two enhancements for prior felony convictions of unlawful possession of a firearm and burglary of a habitation, elevating the offense to a second-degree felony. *See id.* § 12.425(b). The

jury found Garcia guilty of the state jail felony offense of theft of property. During the punishment hearing, Garcia pled “true” to the additional enhancement paragraphs for prior convictions of unlawful possession of a firearm and burglary of a habitation. The jury found the enhancement paragraphs to be “true” and sentenced Garcia to ten years of confinement.

Garcia’s appellate counsel filed a brief presenting 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 notified Garcia of his right to file a *pro se* brief, but we received no response.

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.

AFFIRMED.

CHARLES KREGER
Justice

Submitted on November 8, 2019
Opinion Delivered December 4, 2019
Do Not Publish

Before Kreger, Horton and Johnson, JJ.