

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-22-00185-CR

OWEN TATE EMMETT, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 435th District Court
Montgomery County, Texas
Trial Cause No. 19-11-15408-CR**

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, Appellant Owen Emmett pleaded guilty to injury to a child, a first-degree felony. *See* Tex. Penal Code Ann. § 22.04(a)(1). The plea agreement provided for a maximum of 45 years imprisonment, allowed the trial court to assess Appellant’s punishment, and permitted Appellant to appeal his sentence. Following a hearing, the trial court sentenced Appellant to 40 years in the

Institutional Division of the Texas Department of Criminal Justice. This appeal followed.

Emmett's appellate counsel filed an *Anders* brief that presents counsel's professional evaluation of the record and concludes the appeal is frivolous; he also filed a motion to withdraw as counsel. *See Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On October 4, 2022, we notified Appellant of his right to file a pro se brief and notified him of the deadline for doing so, but we received no response from Appellant. We have reviewed the appellate record, and we agree with counsel's conclusion that no arguable issues support the appeal. 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

AFFIRMED.

JAY WRIGHT
Justice

Submitted on January 27, 2023
Opinion Delivered March 15, 2023
Do Not Publish

Before Golemon, C.J., Johnson and Wright, JJ.

¹ Appellant may challenge our decision in this case by filing a petition for discretionary review. *See Tex. R. App. P. 68.*