

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-23-00091-CR

JOSE LUZ PRECIADO, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 359th District Court
Montgomery County, Texas
Trial Cause No. 21-08-11684-CR

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Jose Luz Preciado pleaded guilty to the offense of driving while intoxicated subsequent offense, a third-degree felony. *See* Tex. Penal Code Ann. § 49.04. The trial court found Preciado guilty of the offense of felony driving while intoxicated, sentenced Preciado to ten years of confinement, and assessed a \$2,000 fine, but suspended the sentence and placed Preciado on community supervision for six years.

Subsequently, the State filed a Motion to Revoke Community Supervision, alleging that Preciado had violated the terms and conditions of his community supervision. Preciado pleaded “not true” to the alleged violations. After conducting an evidentiary hearing, the trial court found all the allegations to be “true,” found the evidence was sufficient to prove Preciado violated the terms of his community supervision, revoked Preciado’s community supervision, and assessed punishment at ten years of confinement.

Preciado’s appellate counsel filed an *Anders* brief that presents counsel’s professional evaluation of the record and concludes the appeal is frivolous; counsel 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 June 9, 2023, we granted an extension of time for Preciado to file a *pro se* brief. We received no response from Preciado.

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.

W. SCOTT GOLEMON
Chief Justice

Submitted on September 13, 2023
Opinion Delivered September 20, 2023
Do Not Publish

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

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