In The

Court of Appeals

Ninth District of Texas at Beaumont

NO. 09-15-00418-CR

STEVEN STELLY, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the County Court at Law No. 2
Jefferson County, Texas
Trial Cause No. 304622

MEMORANDUM OPINION

A jury found appellant Steven Stelly guilty of driving while intoxicated, and the trial court assessed punishment at one hundred eighty days of confinement and a $1500 fine, but suspended imposition of sentence and placed Stelly on community supervision for one year.

Stelly's appellate counsel filed a brief that presents 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.

1978). On February 26, 2016, we granted an extension of time for Stelly to file a *pro se* brief. We received no response from Stelly.

We reviewed the appellate record, and we agree with counsel's conclusion that no arguable issues support an appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We affirm the trial court's judgment.[1]

AFFIRMED.

STEVE McKEITHEN
Chief Justice

Submitted on May 27, 2016
Opinion Delivered July 13, 2016
Do Not Publish

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

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