

Affirmed and Opinion filed January 13, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-00259-CR

BENJAMIN CRAIG LEWIS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 209th District Court
Harris County, Texas
Trial Court Cause No. 803,327**

OPINION

Appellant waived indictment, waived trial by jury, and entered a plea of nolo contendere to a charge by information of theft as a third offender. *See* TEX. PENAL CODE ANN. § 31.03(e)(4)(D) (Vernon Supp. 1997). In accordance with a plea bargain agreement, the court assessed punishment at confinement in the State Jail Division of the Texas Department of Criminal Justice for eighteen months.

Appellant's court-appointed counsel filed a motion to withdraw from representation of appellant along with a supporting brief in which he concludes that the appeal is wholly frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493

(1967). The brief meets the requirements of *Anders* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807, 811 (Tex. Crim. App. 1978).

A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and to file a *pro se* response. Appellant has filed a *pro se* response in which he requests a new trial, alleging that the verdict in his case is contrary to the law and the evidence.

The record reflects that appellant was duly admonished in writing of the consequences of his plea pursuant to Article 26.13(d) of the Texas Code of Criminal Procedure. Appellant stipulated in writing that if witnesses were called, they would testify to the truth of the allegations alleged in the information. The punishment assessed by the court did not exceed the agreed recommendation.

We have carefully reviewed the record, counsel's brief, and appellant's *pro se* response. We find no reversible error in the record. Appellant's *pro se* response to appellate counsel's motion to withdraw and counsel's brief in support thereof does not raise any arguable points of error. We agree with appellate counsel that the appeal is wholly frivolous and without merit. Therefore counsel's motion to withdraw is granted.

The judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed January 13, 2000.

Panel consists of Chief Justice Murphy and Justices Anderson and Hudson.

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