

Affirmed and Opinion filed January 25, 2001.



In The

## Fourteenth Court of Appeals

-----  
NO. 14-99-01233-CR  
-----

**ARCHIE ARTIE HUNTER, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

---

**On Appeal from the 179th District Court  
Harris County, Texas  
Trial Court Cause No. 819,653**

---

### **OPINION**

Appellant entered a plea of guilty to the felony offense of forgery of a commercial instrument and entered a plea of true to each enhancement allegation alleging a prior felony conviction. The court assessed punishment pursuant to a plea bargain agreement at confinement for eight years in the Institutional Division of the Texas Department of Criminal Justice.

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

(1967), 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 (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 to the *Anders* brief as well as a supplemental response which argue that his plea was entered involuntarily. Essentially, appellant complains that collusion between appointed counsel, the trial judge and the prosecutor is inherent in the system, thereby rendering his plea involuntary. We find appellant's claim presents no arguable ground for review and affirm the judgment of the trial court.

A guilty plea entered by a defendant must be made freely and voluntarily. *See Ex parte Evans*, 690 S.W.2d 274, 276 (Tex. Crim. App. 1985). Article 26.13 of the Texas Code of Criminal Procedure provides that prior to accepting a plea of guilty, the trial court shall admonish the defendant, either orally or in writing, of the consequences of entering the plea. *See* TEX. CODE CRIM. PROC. ANN art. 26.13 (Vernon 1989 & Supp. 2000). When a defendant is admonished in substantial compliance with article 26.13, a guilty plea made by that defendant will be presumed to have been made freely and voluntarily. *See Martinez v. State*, 981 S.W.2d 195, 197 (Tex. Crim. App. 1998). It then becomes appellant's burden to show affirmatively both that he was unaware of the consequences of his plea and that he was misled or harmed by the trial court's admonishment. *See* TEX. CODE CRIM. PROC. ANN art. 26.13(c) (Vernon 1989); *Robinson v. State*, 739 S.W.2d 795, 801 (Tex. Crim. App. 1987). This burden is a heavy one. *See Jones v. State*, 855 S.W.2d 82, 84 (Tex. App.–Houston [14th Dist.] 1993, pet. ref'd).

Appellant's complaint that his plea was involuntary is not supported by the record. Appellant waived the right to have a court reporter record his plea. The record contains written admonishments that substantially comply with Article 26.13 of the Code of Criminal Procedure. *See* TEX. CODE CRIM. PROC. ANN. Art. 26.13 (Vernon 1989 & Supp. 2000). The written admonishments in the record, signed and initialed by appellant, indicate that appellant understood the admonishments, was aware of the consequences of his plea, was satisfied with trial counsel's representation, was entering his plea freely and voluntarily, and was advised of the range of punishment for the offense. There is no evidence in the record

that rebuts the presumption that appellant's plea was voluntary. *See Martinez v. State*, 981 S.W.2d at 197; *Cantu v. State*, 988 S.W.2d 481, 484 (Tex. App.–Houston [1st Dist.] 1999, pet. ref'd). No arguable ground of error is presented for review.

Accordingly, we affirm the judgment of the trial court and grant the motion to withdraw.

PER CURIAM

Judgment rendered and Opinion filed January 25, 2001.

Panel consists of Justices Yates, Wittig and Fowler.

Do Not Publish — TEX. R. APP. P. 47.3(b).