

Affirmed and Opinion filed February 22, 2001.



In The

Fourteenth Court of Appeals

NO. 14-98-00470-CR

NO. 14-98-00471-CR

ANGEL RESENDEZ, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 178th District Court
Harris County, Texas
Trial Court Cause No. 747,394 & 747,393**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offenses of aggravated robbery and aggravated assault on a public servant by using and exhibiting a deadly weapon, namely a firearm. The trial court sentenced appellant to twenty years' confinement in the Texas Department of Criminal Justice, Institutional Division.

Appellant's counsel on appeal was retained. He filed a brief in which, after reviewing the record, he concluded that the appeal is wholly frivolous and without merit, purportedly under the authority of *Anders v. California*, 386 U.S. 738 (1967). The *Anders* procedural

safeguards are not applicable, however, to an appellant who is represented by a retained attorney. *See Nguyen v. State*, 11 S.W.3d 376, 379 (Tex. App.–Houston [14th Dist.] 2000, no pet.).

Appellant’s counsel filed a motion to withdraw, which the Court granted after assuring his compliance with Texas Rule of Appellate Procedure 6.5. The Court ordered the *Anders* brief stricken and gave appellant thirty days to obtain new counsel to file a brief on his behalf or file a pro se brief. More than thirty days have elapsed, and appellant has not filed a pro se brief or had an attorney file a new brief on his behalf.

We have reviewed the record on appeal and agree with appellant’s former appellate attorney that the appeal lacks merit.

Accordingly, we affirm the judgment of the trial court. *See Nguyen*, 11 S.W.3d at 379-80.

PER CURIAM

Judgment rendered and Opinion filed February 22, 2001.

Panel consists of Chief Justice Murphy, Justices Edelman and Frost.

Do not publish — TEX. R. APP. P. 47.3(b).