

**Affirmed and Opinion filed March 29, 2001.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-01488-CR**  
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**NOEL BAHENA, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 263rd District Court  
Harris County, Texas  
Trial Court Cause No. 716,655**

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**MEMORANDUM OPINION**

After a guilty plea, appellant was convicted of the offense of possession of marihuana, and sentenced to five years community supervision. The State filed a motion to revoke appellant's community supervision for failing to comply with the terms and conditions thereof. On October 20, 2000, the trial court granted the State's motion and sentenced appellant to three years confinement in the Texas Department of Criminal Justice--Institutional Division.

On March 8, 2001, this court ordered a hearing to determine why appellant's counsel had not filed a brief in this appeal. On March 16, 2001, the trial court conducted the hearing. The record of the hearing was filed in this court on March 19, 2001.

The trial court found appellant no longer desires to prosecute his appeal.

On the basis of that finding, this court has considered the appeal without briefs. *See* TEX. R. APP. P. 38.8(b). We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed March 29, 2001.

Panel consists of Justices Anderson, Hudson, and Seymore.

Do not publish - TEX.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