

Affirmed and Opinion filed November 30, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00034-CR

BENARD BAILEY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 804,522**

OPINION

Appellant entered a plea of guilty to possession of more than one and less than four grams of cocaine. Pursuant to a plea bargain agreement, the court deferred adjudication of guilt, placed appellant on probation for five years, assessed a fine of one thousand dollars, and ordered appellant to perform community service. Subsequently, the State filed a motion to adjudicate guilt. Upon appellant's plea of true, without an agreed recommendation on punishment from the State, the court adjudicated appellant's guilt. The court sentenced appellant to 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 he 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. As of this date, no *pro se* response has been filed.

We have carefully reviewed the record and counsel's brief and agree that the appeal is wholly frivolous and without merit. Further, we find no reversible error in the record. A discussion of the brief would add nothing to the jurisprudence of the State.

Accordingly, the judgment of the trial court is affirmed and the motion to withdraw is granted.

PER CURIAM

Judgment rendered and Opinion filed November 30, 2000.

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

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