

Affirmed and Opinion filed December 21, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-00089-CR

GLYN LYNN HANSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 183rd District Court
Harris County, Texas
Trial Court Cause No. 650,382**

OPINION

This is an appeal from an adjudication of guilt. Appellant entered a plea of guilty, without an agreed recommendation on punishment from the State, to the felony offense of possession of a controlled substance, enhanced with two prior felony convictions. The court deferred adjudication of guilt and placed appellant on probation for eight years. Subsequently, the State filed a motion to adjudicate guilt alleging appellant violated the terms and conditions of probation by ingesting a controlled substance and by failing to report to her probation officer. Upon appellant's plea of not true, the court found the allegations alleged in the motion to adjudicate true, adjudicated appellant's guilt, and assessed punishment at confinement for

twenty-five 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 raising seven arguable points of error. Appellant's complaints may be divided into two categories: (1) complaints related to the original plea proceeding wherein she received deferred adjudication probation, and (2) complaints related to the appeal from the adjudication of guilt. We find appellant's claims present no arguable grounds for appeal and affirm the judgment of the trial court.

Stemming from the original proceeding are appellant's complaints that her guilty plea was involuntary, that her appointed attorney rendered ineffective assistance of counsel; that the court erred by failing to *sua sponte* conduct a competency hearing, and that the evidence is insufficient to support the conviction. We need not address these allegations. A defendant placed on deferred adjudication probation may raise issues relating to the original plea proceeding only in appeals taken when deferred adjudication probation is first imposed. *See Manuel v. State*, 994 S.W.2d 658, 661-62 (Tex. Crim. App. 1999). Appellant cannot now appeal *any* issues relating to the original deferred adjudication proceeding. *See Daniels v. State*, No. 1612-99, 2000 WL 1506200 (Tex. Crim. App. Oct. 11, 2000); *Hanson v. State*, 11 S.W.3d 285, 287-288 (Tex. App.–Houston [14th Dist.] 1999, pet. ref'd).

An appellant must appeal all issues relating to the original deferred adjudication proceeding, including the voluntariness of the plea, ineffective assistance of counsel, evidentiary sufficiency, and issues related to competence to stand trial, within thirty days of the order placing him on deferred adjudication, or forfeit review. *See Hanson*, 11 S.W.3d at 287-88 (holding that court is without jurisdiction to hear appellant's complaint regarding voluntariness of his original plea after adjudication of guilt); *Manuel*, 994

S.W.2d at 661-62 (holding that a defendant placed on deferred adjudication may raise issues such as evidentiary sufficiency only in appeals taken when deferred adjudication is first imposed); *Webb v. State*, 20 S.W.3d 834, 836 (Tex. App.—Amarillo 2000, no pet.) (holding that ineffective assistance of counsel at original guilty plea should have been raised via appeal immediately after trial court deferred adjudication of guilt). Because appellant's first six complaints arise from her original plea and appellant failed to raise these issues during the thirty day time limit, these issues may not be considered in this appeal, which follows her adjudication. *See Manuel*, 994 S.W.2d at 658. No arguable grounds of error are presented for review.

Appellant's seventh complaint alleges she was deprived of the effective assistance of counsel on appeal because she has received no communication from her appointed counsel for over a year, has not received a copy of the *Anders* brief filed by counsel, and has never received from counsel any instructions on how to proceed following the filing of the *Anders* brief. Our records indicate otherwise. Appointed counsel on appeal attested in her motion to withdraw and *Anders* brief that she served a copy of the brief upon appellant, informed appellant of her right to view the appellate record, and informed appellant of her right to file a *pro se* brief. Our records further indicate appellant received the appellate record, filed numerous extensions of time in which to file a *pro se* response, and in fact, filed a *pro se* response to the *Anders* brief. Appellant's ground of error is not supported by the record. Nothing is presented for review.

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

PER CURIAM

Judgment rendered and Opinion filed December 21, 2000.

Panel consists of Justices Anderson, Fowler, and Edelman.

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