Affirmed and Opinion filed April 19, 2001.

In The

Fourteenth Court of Appeals

———————————

NOS. 14-98-01359-CR, 14-98-01360-CR, 14-98-01361-CR

———————————

LORENZO PHILLIP BUTLER, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 779,077; 750,239; 750,238

O P I N I O N

Lorenzo Phillip Butler, Jr., appeals from his convictions for aggravated sexual assault, aggravated robbery, and aggravated assault. He plead *nolo contendere* to each of the alleged offenses, and the trial court sentenced him to ten years imprisonment for the sexual assault, ten years for the robbery, and two years for the assault. On appeal, Butler contends that the trial court erred in failing to recognize that, due to his physical condition and medical treatment, he was unable to comprehend the consequences of his plea. We affirm.

Butler asserts that at the time he entered the plea of *nolo contendere*, he was taking 16 medications, some for treatment of injuries sustained in a pair of car accidents and some for

treatment of HIV. He further maintains that the combined effects of these medications caused him to suffer sensory and mental imbalances that rendered him incapable of understanding the consequences of his plea.

Prior to accepting a plea of *nolo contendere*, a trial court must admonish the defendant. TEX. CODE CRIM. PROC. ANN. art. 26.13(a) (Vernon 1989). The admonishments may be given in writing provided the defendant and his counsel each sign a statement indicating that the defendant understands the admonishments and is aware of the consequences of his plea. *Id*. at 26.13(d). If the record demonstrates that the trial court substantially complied with article 26.13, the burden shifts to the defendant to show that he entered his plea without understanding its consequences. *McGowan v. State*, 961 S.W.2d 24, 26 (Tex. App.—Dallas 1996, no pet.). *See also Aleman v. State*, 957 S.W.2d 592, 593-94 (Tex. App.—El Paso 1997, no pet.)(court affirmed having found no evidence in the record to support defendant's claims); *Hernandez v. State*, 885 S.W.2d 597, 601 (Tex. App.—El Paso 1994, no pet.)(evidence regarding language difficulties introduced at hearing on motion for new trial lead to reversal of conviction based on guilty plea).

In the present case, the written admonishments were signed not only by the defendant but also by defendant's counsel, the prosecuting attorney, and the trial judge. Moreover, the defendant initialed each relevant paragraph of the admonishments. This is ample evidence that the trial court substantially complied with art. 26.13. *See Odom v. State*, 962 S.W.2d 117, 119 (Tex. App.—Houston [1st Dist.] 1997, pet. ref'd). The burden, therefore, shifts to the appellant. *McGowan*, 961 S.W.2d at 26.

The record before us, however, is devoid of any evidence supporting Butler's claims. Appellant's brief cites to no such evidence, and, after a careful review of the record, we find that none was ever introduced. There was no motion for a new trial filed, nor was any hearing of any type held in regard to these claims. Accordingly, we find that Butler has failed to show that he entered his plea without understanding its consequences. *See McGowan*, 961 S.W.2d at 26.

The judgment of the trial court is affirmed.

/s/ Eric Andell
Justice

Judgment rendered and Opinion filed April 19, 2001.

Panel consists of Justices Sears, Cannon, and Andell.*

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

* Senior Justices Ross A. Sears, Bill Cannon and Former Justice Eric Andell sitting by assignment.