

**Affirmed and Opinion filed October 12, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-99-00866-CR**  
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**DONALD WAYNE POWELL, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 262<sup>nd</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 671,702**

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**OPINION**

Appellant was charged by indictment with the felony offense of delivery of less than twenty-eight grams of cocaine. After appellant entered a plea of no contest without an agreed recommendation on punishment from the State, the court deferred the adjudication of guilt and placed appellant on probation for a term of ten years. Subsequently, the State filed a motion to adjudicate guilt alleging appellant failed to avoid injurious or vicious habits and failed to report to his probation officer, as ordered by the court. Upon appellant's stipulation of evidence that he violated the terms and conditions of probation by admitting

to using cocaine to a probation officer, the court adjudicated appellant's guilt and assessed punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for six years.

Appellant's appointed counsel filed a 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 October 12, 2000.

Panel consists of Justices Anderson, Fowler and Edelman.

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