

**Opinion of January 27, 2000, Withdrawn, Affirmed and Corrected Opinion filed
March 9, 2000.**



In The
Fourteenth Court of Appeals

NO. 14-98-00408-CR

DANIEL J. RIVERA, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 262nd District Court
Harris County, Texas
Trial Court Cause No. 656,594**

C O R R E C T E D O P I N I O N

Our opinion of January 26, 2000 is withdrawn, and we issue this corrected opinion.

Appellant, Daniel J. Rivera, was indicted for the offense of possession of a controlled substance, namely lysergic acid diethylamide. He pleaded guilty to the offense pursuant to a plea agreement and the court assessed punishment at seven years deferred adjudication. Later, the State filed a motion to adjudicate guilt. Appellant pleaded true to one of the allegations. The trial court found the allegation true and sentenced appellant to five years in the Institutional Division of the Texas Department of Criminal Justice. Appellant gave timely notice of appeal.

On June 17, 1999, appellant's retained attorney filed an *Anders* brief in which he concluded that the appeal was wholly frivolous and without merit. On July 19, 1999, appellant's attorney filed a motion to withdraw. We granted the motion on July 22, 1999. Appellant was advised that he could examine the record and file a brief. As of this date, appellant has not filed a brief and the time permitted to file a brief has expired.

Appellant's retained attorney was not required to file an *Anders* brief along with his motion to withdraw. *See Nguyen v. State*, 2000 WL 19237 (Tex. App.—Houston [14th Dist.] 1999). The *Anders* procedural safeguards are not applicable to appellants who are represented by retained attorneys. *Id.* Instead, we evaluate retained counsel's request to withdraw based on TEX. R. APP. P. 6.5. Appellant's counsel met the minimum requirements of rule 6.5. Moreover, we agree with appellant's counsel that the appeal is wholly frivolous and without merit. We find no reversible error in the record.

Appellate counsel's motion to withdraw was properly granted. We affirm the judgment of the trial court.

PER CURIAM

Judgment rendered and Opinion filed March 9, 2000.

Panel consists of Justices Cannon, Lee, and Hutson-Dunn.*

Do Not Publish — TEX.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

* Senior Justices Bill Cannon, Norman Lee, and D. Camille Hutson-Dunn sitting by assignment.