

Affirmed and Opinion filed July 27, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-00663-CR

ALLEN NICHOLS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 338th District Court
Harris County, Texas
Trial Court Cause No. 794, 477**

O P I N I O N

On March 10, 1999, appellant entered a guilty plea to murder and entered a plea of true to an enhancement paragraph for a prior manslaughter conviction in Louisiana. The State of Texas agreed to a thirty-year cap on punishment. Appellant signed a waiver of constitutional rights, agreement to stipulate, and judicial confession. Appellant also signed and initialed, where necessary, admonishments and waivers of rights, and declared that he was mentally competent to understand the nature of the charge against him. The record also contains statements by the appellant and several witnesses that the appellant shot the victim. The trial court ordered a Pre-Sentence Investigation and proceeded to sentence the appellant on May

24, 1999. At the sentencing the appellant stated that he had entered a plea of guilty to the shooting on March 10, 1999, and then testified that he wanted to withdraw his guilty plea. He requested a substitution of newly retained counsel. The trial court denied the appellant's motion to withdraw his plea of guilty because the court stated that the appellant had knowingly and voluntarily waived his right to a jury trial on March 10, 1999. His current attorney was capable of explaining all the legal defenses to the appellant. The trial court did not rule on the substitution of new counsel because no motion for substitution had been submitted to the court. The trial court found the appellant guilty and found the enhancement paragraph true, and sentenced the appellant to twenty-five years in the Texas Department of Criminal Justice-Institutional Division.

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 response. As of this date, no response has been filed.

We agree 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.

PER CURIAM

Judgment rendered and Opinion filed July 27, 2000.

Panel consists of Justices Amidei, Anderson, and Frost.

Do Not Publish — TEX.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