

Affirmed and Opinion filed November 10, 1999.



In The
Fourteenth Court of Appeals

NO. 14-98-01009-CR

STEPHEN ROY MILLS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 339th District Court
Harris County, Texas
Trial Court Cause No. 779,671**

OPINION

After a guilty plea, appellant was convicted of the offense of delivery of a controlled substance, and sentenced to five years in prison on July 30, 1998. Appellant filed a pro se notice of appeal.

On July 29, 1999, this court ordered a hearing to determine whether appellant wanted to continue prosecution of his appeal and to appoint counsel, if necessary. On August 24, 1999, the trial court conducted the hearing. The record of the hearing was filed in this court on October 29, 1999.

The trial court found appellant indigent and appointed counsel to represent him. Appellant and his appointed counsel were present at the hearing. Appellant testified that he no longer wishes to prosecute his appeal. The trial court found that appellant, after being duly apprised of his rights, has decided not to prosecute his appeal.

On the basis of those findings, this court has considered the appeal without briefs. *See* TEX. R. APP. P. 38.8(b). We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed November 10, 1999.

Panel consists of Chief Justice Murphy, Justices Anderson and Hudson.

Do not publish - TEX. R. APP. P. 47.3(b).