

Affirmed and Opinion filed January 4, 2001.



In The

## Fourteenth Court of Appeals

NO. 14-00-00169-CR

**RICHARD WAYNE GRAHAM, Appellant**

V.

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 248th District Court  
Harris County, Texas  
Trial Court Cause No. 813,323**

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### OPINION

Appellant entered a plea of guilty, without an agreed recommendation, to aggravated sexual assault of a child and was sentenced to fifteen years in prison.

Appellant's counsel on appeal is retained. He filed a brief in which, after reviewing the record, he concludes that the appeal is wholly frivolous and without merit, purportedly under the authority of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967). The *Anders* procedural safeguards are not applicable, however, to an appellant who is represented by a retained attorney. *See Nguyen v. State*, 11 S.W.3d 376, 379 (Tex. App.–Houston [14th Dist.] 2000, no pet.).

Appellant's counsel has filed a motion to withdraw, which the Court granted, after assuring his compliance with Texas Rule of Appellate Procedure 6.5. The Court ordered the *Anders* brief stricken and gave appellant thirty days to obtain new counsel to file a brief on his behalf or file a pro se brief. More than forty-five days have elapsed, and appellant has not filed a pro se brief or had an attorney file a new brief on his behalf.

We have reviewed the record on appeal and agree with appellant's former appellate attorney that the appeal lacks merit.

Accordingly, we affirm the judgment of the trial court. *See Nguyen*, 11 S.W.3d at 379-80.

PER CURIAM

Judgment rendered and Opinion filed January 4, 2001.

Panel consists of Chief Justice Murphy, Justices Amidei and Hudson.<sup>1</sup>

Do not publish — TEX.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

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<sup>1</sup> Former Justice Maurice Amidei sitting by assignment.