

Affirmed and Opinion filed January 24, 2002.



In The
Fourteenth Court of Appeals

NO. 14-01-00805-CR

WILLIE E. AUSTIN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 11
Harris County, Texas
Trial Court Cause No. 1054850**

OPINION

After a guilty plea, appellant was convicted of the offense of assault. Pursuant to a plea bargain agreement with the State, on May 10, 2001, the trial court assessed punishment at a fine of \$100.00 and placed appellant on deferred adjudication community supervision for one year. Appellant filed a pro se notice of appeal.

On October 15, 2001, time to file appellant's brief expired without a brief, and no motion for extension of time was filed. *See* TEX. R. APP. P. 38.6(a). Appellant and the trial court were notified on October 23, 2001, that no brief had been received. No satisfactory response from appellant was received.

On December 6, 2001, this court ordered a hearing to determine why appellant had not filed a brief in this appeal. On January 14, 2002, the trial court conducted the hearing, and a record of the hearing was filed in this court on January 16, 2002.

Appellant did not appear at the hearing, despite being notified both verbally and in writing. Accordingly, the trial court found appellant no longer desires 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). The case is before us without a reporter's record. We find no fundamental error.

Therefore, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed January 24, 2002.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do Not Publish — TEX.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