

Affirmed and Opinion filed May 10, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01211-CR

HAROLD BATTISE PETERS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Criminal Court at Law No. 9
Harris County, Texas
Trial Court Cause No. 0998433**

MEMORANDUM OPINION

After a guilty plea, appellant was convicted of the offense of assault, and sentenced to 10 days incarceration on August 7, 2000.

On January 25, 2001, this court ordered a hearing to determine why appellant's counsel had not filed a brief in this appeal. On April 19, 2001, the trial court conducted the hearing. The record of the hearing was filed in this court on May 3, 2001.

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 or bill of exception. We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed May 10, 2001.

Panel consists of Justices Yates, Fowler, and Wittig.

Do not publish - TEX.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