

Affirmed and Opinion filed June 28, 2001.



In The

Fourteenth Court of Appeals

NO. 14-00-01495-CR

NO. 14-00-01496-CR

KIMBERLY MICHELLE GLASGOW, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 400th District Court
Fort Bend County, Texas
Trial Court Cause Nos. 32,422 & 32, 424**

MEMORANDUM OPINION

Appellant entered pleas of guilty to the offenses of theft and credit card abuse. On November 3, 2000, the trial court sentenced appellant to confinement for one year in a state jail facility and ordered her to pay \$5,000 in restitution on each case, with the sentences to be served concurrently. Appellant filed a written notice of appeal.

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 (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).¹

A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and file a pro se response. Appellant has filed a pro se response, in which she argues she received ineffective assistance of counsel, the indictments were defective, and the evidence was insufficient to support her convictions. She does not assert her plea was involuntary, however. A plea of guilty waives or forfeits the right to appeal a claimed error when the judgment of guilt was rendered independent of, and is not supported by, the error. *Young v. State*, 8 S.W.3d 656, 666-67 (Tex. Crim. App. 2000).

During the plea proceedings, the state offered, and the court admitted into evidence without objection, appellant's written pleas, admonishments, waivers and stipulations, which included appellant's judicial confessions to the allegations in the indictments. A judicial confession, standing alone, suffices to establish the guilt of a defendant who has pleaded guilty. *Pitts v. State*, 916 S.W.2d 507, 510 (Tex. Crim. App. 1996); *State v. Oliver*, 808 S.W.2d 492, 493-94 (Tex. Crim. App. 1991). There are no motions to quash the indictments in the appellate records; therefore, any claimed defect has been waived. TEX. CODE CRIM. PROC. ANN. art. 1.14(b) (Vernon Supp. 2001). Furthermore, the appellate record is insufficient to evaluate appellant's claim of ineffective assistance of counsel. *See Jackson v. State*, 973 S.W.2d 954, 957 (Tex. Crim. App. 1998); *Ex parte Torres*, 943 S.W.2d 469, 475 (Tex. Crim. App. 1997).

We have carefully reviewed the record, counsel's brief, and the pro se response, and agree that the appeal is wholly frivolous and without merit. Further, we find no reversible error

¹ Appellant's counsel asks this court to reform the judgments in these cases to reflect that appellant was assessed a fine of \$5,000 in each case instead of being ordered to pay restitution. While the trial judge used both of the terms "fine" and "restitution" in her oral pronouncement of sentence, the judge subsequently stated, "It's restitution." Accordingly, we find no conflict between the court's oral pronouncement of sentence and the judgments. *See generally Coffey v. State*, 979 S.W.2d 326, 328 (Tex. Crim. App. 1998) (when there is a variation between oral pronouncement of sentence and written memorialization of the sentence, oral pronouncement controls).

in the record. Any further discussion of the brief or response 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 June 28,2001.

Panel consists of Justices Edelman and Frost and Senior Chief Justice Murphy.²

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

² Senior Chief Justice Paul C. Murphy sitting by assignment.