

**Affirmed and Opinion filed September 14, 2000.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-00-00189-CR**

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**DANIEL NATHAN HATHORNE, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 338<sup>th</sup> District Court  
Harris County, Texas  
Trial Court Cause No. 733,450**

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**O P I N I O N**

Appellant was charged by information with the felony offense of retaliation. Appellant waived indictment, entered a plea of guilty and was sentenced according to a plea bargain agreement to a five-year probated sentence. Subsequently, the State filed a motion to revoke appellant's probation for committing the new offense of assault, to which appellant pled not true. After a hearing, the court revoked appellant's probation and sentenced him to confinement for three years in the Institutional Division of the Texas Department of Criminal Justice.

Appellant's appointed counsel filed a motion to withdraw from representation of appellant along with a supporting 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, 18 L.Ed.2d 493 (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).

A copy of counsel's brief was delivered to appellant. Appellant was advised of the right to examine the appellate record and to file a *pro se* response. As of this date, no *pro se* response has been filed.

We have carefully reviewed the record and counsel's brief and agree that the appeal is wholly frivolous and without merit. Further, we find no reversible error in the record. A discussion of the brief would add nothing to the jurisprudence of the State.

Accordingly, the judgment of the trial court is affirmed and the motion to withdraw is granted.

PER CURIAM

Judgment rendered and Opinion filed September 14, 2000.

Panel consists of Justices Yates, Wittig and Frost.

Do Not Publish — TEX.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