

Affirmed and Opinion filed September 21, 2000.



In The

Fourteenth Court of Appeals

NO. 14-00-00136-CR

BENNIE LEE BYRD, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 12th District Court
Walker County, Texas
Trial Court Cause No. 17,841**

OPINION

Appellant was charged by indictment with the offense of capital murder. After the State waived the death penalty, a jury found appellant guilty of the lesser offense of murder. The jury assessed punishment at confinement in the Texas Department of Criminal Justice-Institutional Division for a term of fifty years and a fine of ten thousand dollars.

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 21, 2000.

Panel consists of Chief Justice Murphy and Justices Amidei and Hudson.

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