

Affirmed and Opinion filed September 23, 1999.



In The

Fourteenth Court of Appeals

NO. 14-97-01377-CR

ROBERT BARTH ADAMS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 337th District Court
Harris County, Texas
Trial Court Cause No. 765,452**

OPINION

After a guilty plea, appellant was convicted of the offense of misdemeanor assault and sentenced to six months' confinement in the Harris County Jail on October 21, 1997. On November 20, 1997, appellant filed a written notice of appeal. On January 14, 1997, appellant was released from jail because his time, fine, and costs had been satisfied.

On February 25, 1999, this court ordered a hearing to determine why appellant had not filed a brief in this appeal. On September 16, 1999, the trial court conducted the hearing. The record of the hearing was filed in this court on September 16, 1999.

Appellant did not appear at the hearing. The record in the trial court indicates that notice letters to appellant were returned undelivered. The trial court found appellant's whereabouts is unknown, appellant's punishment having been served and appellant having been released from custody. Based upon these findings, we conclude appellant has abandoned his appeal without making the necessary arrangements for filing a brief.

On the basis of those findings, this court has considered the appeal without briefs. *See* TEX. R. APP. P. 38.8(b). We find no fundamental error.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed September 23, 1999.

Panel consists of Justices Amidei, Edelman and Wittig..

Do not publish - TEX.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