

Affirmed and Opinion filed November 1, 2001.



In The
Fourteenth Court of Appeals

NO. 14-00-01510-CR

WILLIE ROBINSON, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the County Court at Law
Waller County, Texas
Trial Court Cause No. CC99-211**

MEMORANDUM OPINION

Appellant was convicted of the offense of driving while intoxicated and sentenced to confinement for 360 days in the Waller County Jail, probated for two years, on October 12, 2000. Appellant, who is appearing *pro se*, filed a document purporting to be his brief. Appellant failed to comply with the requirements of Rule 38,1, including, but not limited to, failing to provide a clear, concise argument with citations to the record and to authority. TEX. R. APP. P. 38.1.

On June 28, 2001, the court ordered appellant to file an amended brief. No amended brief has been filed.

Appellant has not complied with our order of June 28, 2001. Texas Rule of Appellate Procedure 38 provides that under appropriate circumstances, “the appellate court may consider the appeal without briefs, as justice may require.” TEX. R. APP. P. 38.8 (b)(4). While we believe that no accused should be denied his right of appeal, we also believe that “justice requires” that the exercise of this right of appeal must be held within the framework of the rules of appellate procedure. *See Lott v. State*, 874 S.W.2d 687, 688 (Tex. Crim. App. 1994) (affirming conviction on record alone where appellant failed to file a pro se brief after being properly admonished); *Coleman v. State*, 774 S.W.2d 736, 738-39 (Tex. App.–Houston [14th Dist.] 1989, no pet.) (holding that former rule 74(l)(2) (now Rule 38.8(b)) permitted an appeal to be considered without briefs “as justice may require” when a pro se appellant has not complied with the rules of appellate procedure). We also believe that requiring any appellant to follow the rules does not infringe upon his rights of appeal. *See id.* We therefore find that justice requires that this appeal be determined without an amended brief.

This court has reviewed the entire record brought forth in this appeal and we find no reversible error. Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed November 1, 2001.

Panel consists of Chief Justice Brister, Justices Fowler and Seymore.

Do not publish - TEX.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