

**Affirmed and Opinion filed December 16, 1999.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-99-00518-CR**  
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**JAMES ELWOOD GIDDENS A/K/A JAMES EDWARD GIDDENS, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 411<sup>th</sup> District Court  
Trinity County, Texas  
Trial Court Cause No. 8,239**

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**OPINION**

Appellant was charged by indictment with the offense of intoxication manslaughter, enhanced with two prior felony convictions. A jury found appellant guilty as charged in the indictment. After appellant plead true to the enhancement paragraphs, the trial court found both enhancement paragraphs true and assessed punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for forty-five years.

Appellant's court-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. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d493 (1967). The brief meets the requirements of *Anders* 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, 811 (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. Appellant has filed a *pro se* response in which he requests this court to appoint a new attorney to represent him on appeal.

We have carefully reviewed the record, counsel's brief and appellant's *pro se* response thereto, and find no reversible error in the record. Appellant's *pro se* response to appellate counsel's motion to withdraw and brief in support thereof does not raise any arguable points of error. Appellant's counsel has filed a brief which thoroughly discusses the evidence adduced at trial, points out where pertinent testimony may be found in the record, refers to pages in the record where objections were made, describes the nature of the objections, the trial court's rulings, and discusses either why each of the trial court's rulings was correct or why the appellant was not harmed by each such ruling. *See id.* We agree with appellate counsel that the appeal is wholly frivolous and without merit. Appellant's request that a new attorney be appointed to represent him on appeal is denied.

Accordingly, the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed December 16, 1999.

Panel consists of Justices Yates, Fowler, and Frost.

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