

Affirmed and Memorandum Opinion filed October 14, 2014.



In The

Fourteenth Court of Appeals

NO. 14-13-00959-CR

ROBERT DALE HARGER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 182nd District Court
Harris County, Texas
Trial Court Cause No. 1383086**

M E M O R A N D U M O P I N I O N

After a guilty plea to possession with intent to deliver a controlled substance, the trial court deferred adjudication and placed appellant on deferred adjudication community supervision for five years.

Appellant is represented on appeal by retained counsel. Appellant's brief was originally due April 10, 2014, but no brief has been filed. This court abated the appeal and directed the trial court to conduct a hearing to determine the reason for

the failure to file a brief pursuant to Texas Rule of Appellate Procedure 38.8(b). The trial court held the hearing, and appellant confirmed to the court that he wished counsel to remain his attorney on appeal. At the hearing, counsel advised the court that he would file an appellate brief within 30 days. The trial court found appellant is not indigent, and that he desires to have retained counsel represent him on appeal.

On July 10, 2014, this court ordered counsel to file a brief on or before August 14, 2014. The court explained that if counsel did not timely file appellant's brief as ordered, the court would consider the appeal without briefs. *See* Tex. R. App. P. 38.8(b)(4). Still, no brief was filed.

On the basis of the trial court's 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

Panel consists of Justices Boyce, Jamison, and Donovan.

Do Not Publish — Tex. R. App. P. 47.2(b).