

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-02-00179-CR**

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**Calvin Conway, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE DISTRICT COURT OF WILLIAMSON COUNTY, 277TH JUDICIAL DISTRICT  
NO. 99-294-K277, HONORABLE DON HUMBLE, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

In January 2000, appellant Calvin Conway pleaded guilty to attempted indecency with a child by contact. Tex. Pen. Code Ann. ' 15.01(a) (West 1994), ' 21.11(a)(1) (West Supp. 2003). Pursuant to a plea bargain, the district court deferred adjudication and placed appellant on community supervision. He now appeals from the judgment of conviction rendered after the court revoked supervision, adjudicated him guilty, and assessed punishment at imprisonment for seven years.

Appellant's court-appointed attorney filed a brief concluding that the appeal is frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See also Penson v. Ohio*, 488 U.S. 75 (1988); *High v. State*, 573 S.W.2d 807 (Tex. Crim.

App. 1978); *Currie v. State*, 516 S.W.2d 684 (Tex. Crim. App. 1974); *Jackson v. State*, 485 S.W.2d 553 (Tex. Crim. App. 1972); *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969).

Appellant filed a pro se brief. In it, he argues that he did not violate the conditions of supervision as found by the district court. The decision to proceed with an adjudication is not appealable. Tex. Code Crim. Proc. Ann. art. 42.12, ' 5(b) (West Supp. 2003). Thus, the pro se brief presents nothing for review.

We have reviewed the record and the briefs and agree that the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal. Counsel's motion to withdraw is granted.

The judgment of conviction is affirmed.

Mack Kidd, Justice

Before Justices Kidd, B. A. Smith and Yeakel

Affirmed

Filed: January 30, 2003

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