

Affirmed as Modified; Opinion Filed March 26, 2014.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-13-00402-CR

GEORGIA LEE JONES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 194th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F09-71128-M**

MEMORANDUM OPINION

Before Justices Moseley, Francis, and Lang
Opinion by Justice Lang

Georgia Lee Jones waived a jury and pleaded guilty to reckless injury to a child causing serious bodily injury. *See* TEX. PENAL CODE ANN. § 22.04(a)(1) (West Supp. 2013). The trial court assessed punishment at sixteen years' imprisonment and a \$10,000 fine. The trial court's judgment also includes an order that appellant pay \$215 in court costs. In a two issues, appellant contends there is insufficient evidence in the record to support the trial court's order that she pay \$215 in court costs and the judgment should be modified to show there was no plea bargain. We modify the trial court's judgment and affirm as modified.

In her first issue, appellant contends the evidence is insufficient to support the trial court's order that she pay \$215 in court costs because the clerk's record does not contain a bill of costs. The record before us contains the bill of costs. Further, appellant's complaints have been addressed and rejected. *See Johnson v. State*, No. PD-0193-13, 2014 WL 714736, at *4–8 (Tex. Crim. App. Feb. 26, 2014); *Coronel v. State*, 416 S.W.3d 550, 555–56 (Tex. App.—Dallas, pet. ref'd). We decide against appellant on his first issue.

In her second issue, appellant asks us to modify the judgment to show there was no plea agreement as to punishment in this case. The record shows appellant entered an open guilty plea to the charge in the indictment. The trial court's judgment, however, stated terms of a plea bargain. We decide in appellant's favor on the second issue.

We modify the trial court's judgment to show appellant entered an open plea. *See* TEX. R. APP. P. 43.2(b) *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref'd).

As modified, we affirm the trial court's judgment.

/ Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

GEORGIA LEE JONES, Appellant

No. 05-13-00402-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 194th Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F09-71128-M).

Opinion delivered by Justice Lang, Justices
Moseley and Francis participating.

Based on the Court's opinion of this date, the trial court's judgment is **MODIFIED** as follows:

The section entitled "Terms of Plea Bargain" is modified to show "Open."

As modified, we **AFFIRM** the trial court's judgment.

Judgment entered March 26, 2014.

/ Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE