

Affirmed in part; Affirmed as Modified in part and Opinion Filed December 7, 2015



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

No. 05-14-00707-CR

No. 05-14-00708-CR

No. 05-14-00709-CR

TERRY WILLIAM STRACHAN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 296th Judicial District Court
Collin County, Texas**

Trial Court Cause Nos. 296-80709-2013, 296-80710-2013, and 296-80940-2013

MEMORANDUM OPINION

**Before Chief Justice Wright and Justices Fillmore and Stoddart
Opinion by Chief Justice Wright**

Terry William Strachan waived a jury and pleaded guilty to unauthorized use of a vehicle, evading arrest or detention with a vehicle, and possession of a controlled substance in Penalty Group 1 between one gram and four grams.¹ After finding appellant guilty, the trial court assessed punishment at two, eight, and eight years confinement, respectively, with 454 days of back credit and no fine. The sentences were to run concurrently. On appeal, appellant's attorney filed a brief in which she concludes the appeal is wholly frivolous and without merit. The brief

¹ This Court's cause number 05-14-00708-CR and the trial court's cause number 296-80710-2013 contain the unauthorized use of a vehicle judgment. This Court's cause number 05-14-00707-CR and the trial court's cause number 296-80709-2013 contain the evading arrest or detention with a vehicle judgment. This Court's cause number 05-14-00709-CR and the trial court's cause number 296-80940-2013 contain the possession of a controlled substance in Penalty Group 1 between one gram and four grams judgment.

meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. See *High v. State*, 573 S.W.2d 807, 811–12 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to appellant. We advised appellant of his right to file a pro se response, but he did not file a pro se response. See *Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (identifying duties of appellate courts and counsel in *Anders* cases).

We have reviewed the record and counsel’s brief. We agree the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal.

Although not an arguable ground to advance, we note there is an error in the trial court’s judgments in cause numbers 05-14-00707-CR and 05-14-00709-CR. The record shows the appellant pleaded true to the enhancement paragraphs and the trial court found the enhancement paragraphs true. The written judgments in these cases, however, recite no information for appellant’s plea to the enhancement paragraphs or the trial court’s findings on the enhancement paragraphs. Thus the written judgments are incorrect in these cases. This Court has the authority to correct a trial court’s judgment when it has the necessary data and information to do so. 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). We modify the written judgments in cause numbers 05-14-00707-CR and 05-14-00709-CR to show appellant pleaded true to the enhancement paragraphs and the trial court found the enhancement paragraphs true.

As modified, we affirm the trial court's judgments in cause numbers 05-14-00707-CR and 05-14-00709-CR. We affirm the trial court's judgment in cause number 05-14-00708-CR.

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/Carolyn Wright/

CAROLYN WRIGHT
CHIEF JUSTICE



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

JUDGMENT

TERRY WILLIAM STRACHAN, Appellant

No. 05-14-00707-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 296th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 296-80709-2013.
Opinion delivered by Chief Justice Wright.
Justices Fillmore and Stoddart participating.

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

Plea to 1st Enhancement Paragraph: **TRUE**

Findings on 1st Enhancement Paragraph: **TRUE**

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered December 7, 2015.



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

JUDGMENT

TERRY WILLIAM STRACHAN, Appellant

No. 05-14-00708-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 296th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 296-80710-2013.
Opinion delivered by Chief Justice Wright.
Justices Fillmore and Stoddart participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered December 7, 2015.



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

JUDGMENT

TERRY WILLIAM STRACHAN, Appellant

No. 05-14-00709-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 296th Judicial District
Court, Collin County, Texas
Trial Court Cause No. 296-80940-2013.
Opinion delivered by Chief Justice Wright.
Justices Fillmore and Stoddart participating.

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

Plea to 1st Enhancement Paragraph: **TRUE**

Findings on 1st Enhancement Paragraph: **TRUE**

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered December 7, 2015.