

Affirmed as Modified; Opinion Filed May 25, 2017.



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

**No. 05-16-01237-CR
No. 05-16-01238-CR
No. 05-16-01239-CR
No. 05-16-01240-CR**

**PAUL DAVID SCHNACKENBERG, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 2
Dallas County, Texas
Trial Court Cause Nos. F11-11194-I, F12-22225-I, F12-22226-I, F14-45425-I**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Stoddart
Opinion by Justice Lang

Paul David Schnackenberg appeals four convictions, following adjudication of his guilt, for two counts of possession of methamphetamine in an amount of less than one gram, possession with intent to deliver methamphetamine in an amount of four grams or more but less than 200 grams, and possession of gamma-hydroxy butyric acid in an amount of four grams or more but less than 200 grams. The trial court assessed punishment at two years' confinement in state jail for each of the possession of less than one gram of methamphetamine cases and twelve years' imprisonment for each of the remaining two cases. On appeal, appellant's attorney filed a brief in which he concludes the appeals are wholly frivolous and without merit. The brief 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) (noting an appellant has right to file pro se response to an *Anders* brief filed by his counsel).

We have reviewed the record and counsel’s brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). We agree the appeals are frivolous and without merit. We find nothing in the record that might arguably support the appeals.

Although not arguable issues, we note two errors in the trial court’s judgments adjudicating guilt. The record shows the State filed motions to adjudicate alleging appellant violated conditions (a), (d), and (p) of his community supervision. During a hearing on the motions, appellant pleaded not true to violating condition (a) and pleaded true to violating conditions (d) and (p). The judgments, however, incorrectly show appellant pleaded true to the motions to adjudicate and incorrectly show there were terms of plea bargains. Accordingly, on our own motion, we modify the judgments to show the plea to the motions to adjudicate is “Not True (a); True (d), (p),” and the terms of plea bargain are “None.” TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993) (courts of appeals have authority to modify a judgment); *Estrada v. State*, 334 S.W.3d 57, 63–64 (Tex. App.—Dallas 2009, no pet.).

As modified, we affirm the trial court's judgments adjudicating guilt.

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

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

JUDGMENT

PAUL DAVID SCHNACKENBERG,
Appellant

No. 05-16-01237-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 2, Dallas County, Texas
Trial Court Cause No. F11-11194-I.
Opinion delivered by Justice Lang. Justices
Myers and Stoddart participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "None."

The section entitled "Plea to Motion to Adjudicate" is modified to show "Not True (a); True (d), (p)."

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

Judgment entered this 25th day of May, 2017.



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

JUDGMENT

PAUL DAVID SCHNACKENBERG,
Appellant

No. 05-16-01238-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 2, Dallas County, Texas
Trial Court Cause No. F12-22225-I.
Opinion delivered by Justice Lang. Justices
Myers and Stoddart participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "None."

The section entitled "Plea to Motion to Adjudicate" is modified to show "Not True (a); True (d), (p)."

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

Judgment entered this 25th day of May, 2017.



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

JUDGMENT

PAUL DAVID SCHNACKENBERG,
Appellant

No. 05-16-01239-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 2, Dallas County, Texas
Trial Court Cause No. F12-22226-I.
Opinion delivered by Justice Lang. Justices
Myers and Stoddart participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "None."

The section entitled "Plea to Motion to Adjudicate" is modified to show "Not True (a); True (d), (p)."

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

Judgment entered this 25th day of May, 2017.



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

JUDGMENT

PAUL DAVID SCHNACKENBERG,
Appellant

No. 05-16-01240-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 2, Dallas County, Texas
Trial Court Cause No. F14-45425-I.
Opinion delivered by Justice Lang. Justices
Myers and Stoddart participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "None."

The section entitled "Plea to Motion to Adjudicate" is modified to show "Not True (a); True (d), (p)."

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

Judgment entered this 25th day of May, 2017.