

Grant and Affirm and Opinion Filed November 29, 2021



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

No. 05-21-00052-CR

No. 05-21-00053-CR

No. 05-21-00054-CR

NICOLAS BRADLEY BARDIN, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 86th Judicial District Court
Kaufman County, Texas
Trial Court Cause Nos. 19-90316-86-F, 19-90317-86-F, & 19-90318-86-F**

MEMORANDUM OPINION

Before Justices Myers, Partida-Kipness, and Carlyle
Opinion by Justice Myers

Appellant Nicolas Bradley Bardin was charged in three cases with invasive visual recording. He waived his right to a jury trial, entered open pleas of guilty, and signed a stipulation of evidence. The trial court assessed punishment in each case at 24 months in state jail, with the sentences to be served concurrently.

Appellant's counsel has filed a motion to withdraw. The motion is supported by a brief in which counsel professionally and conscientiously examines the record and applicable law and concludes this appeal is frivolous and without merit.

Counsel certifies that he provided appellant with a copy of the brief and the

motion to withdraw. 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, 812–13 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets requirements of *Anders*); *see also Arevalos v. State*, 606 S.W.3d 912, 915–16 (Tex. App.—Dallas 2020, no pet.) (citing *High* and concluding *Anders* brief in support of motion to withdraw did not meet requirements of *Anders* and was deficient as to form). We advised appellant by letter of his right to file a pro se response, but he has not filed a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (appellant has right to file pro se response to *Anders* brief filed by 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 appeal is frivolous and without merit, and we find nothing in the record that might arguably support the appeal.

Although not an arguable issue, we note that each judgment lists “Erleigh Norville Wiley” as the only attorney for the State, when counsel’s brief and the reporter’s record show “Justin King” represented the State at trial. When the record provides the necessary information to correct inaccuracies in the trial court’s judgment, we have the authority to reform the judgment to speak the truth. 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);
Shumate v State, No. 05-20-00197-CR, 2021 WL 4260768, at *3 (Tex. App.—
Dallas Sept. 20, 2021, no pet.). Accordingly, in each judgment, next to “Attorney
for State,” we will add the name “Justin King,” to reflect that the “Attorney for State”
was “Justin King and Erleigh Norville Wiley.”

We grant counsel’s motion to withdraw and, as modified, affirm the
judgments.

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TEX. R. APP. P. 47.2(b)

/Lana Myers//

LANA MYERS
JUSTICE



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

JUDGMENT

NICOLAS BRADLEY BARDIN,
Appellant

No. 05-21-00052-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial
District Court, Kaufman County,
Texas

Trial Court Cause No. 19-90316-86-
F.

Opinion delivered by Justice Myers.
Justices Partida-Kipness and Carlyle
participating.

Based on the Court’s opinion of this date, the judgment of the trial court is

MODIFIED as follows:

Under “Attorney for State,” “Erleigh Norville Wiley” is changed to
“Justin King and Erleigh Norville Wiley.”

As **REFORMED**, the judgment is **AFFIRMED**. The trial court is directed to
prepare a corrected judgment that reflects the modifications made in this Court’s
opinion and judgment in this case.

Judgment entered this 29th day of November, 2021.



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

JUDGMENT

NICOLAS BRADLEY BARDIN,
Appellant

No. 05-21-00053-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial
District Court, Kaufman County,
Texas
Trial Court Cause No. 19-90317-86-
F.
Opinion delivered by Justice Myers.
Justices Partida-Kipness and Carlyle
participating.

Based on the Court’s opinion of this date, the judgment of the trial court is

MODIFIED as follows:

Under “Attorney for State,” “Erleigh Norville Wiley” is changed to
“Justin King and Erleigh Norville Wiley.”

As **REFORMED**, the judgment is **AFFIRMED**. The trial court is directed to
prepare a corrected judgment that reflects the modifications made in this Court’s
opinion and judgment in this case.

Judgment entered this 29th day of November, 2021.



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

JUDGMENT

NICOLAS BRADLEY BARDIN,
Appellant

No. 05-21-00054-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 86th Judicial
District Court, Kaufman County,
Texas
Trial Court Cause No. 19-90318-86-
F.
Opinion delivered by Justice Myers.
Justices Partida-Kipness and Carlyle
participating.

Based on the Court’s opinion of this date, the judgment of the trial court is

MODIFIED as follows:

Under “Attorney for State,” “Erleigh Norville Wiley” is changed to
“Justin King and Erleigh Norville Wiley.”

As **REFORMED**, the judgment is **AFFIRMED**. The trial court is directed to
prepare a corrected judgment that reflects the modifications made in this Court’s
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Judgment entered this 29th day of November, 2021.