

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-09-00384-CR

PURVIS VINCENT TRAYLOR A/K/A PURVIS V. TRAYLOR, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause No. 97572

MEMORANDUM OPINION

Pursuant to a plea bargain agreement, appellant Purvis Vincent Traylor a/k/a Purvis V. Traylor pled guilty to burglary of a habitation. The trial court found the evidence sufficient to find Traylor guilty, but deferred further proceedings and placed Traylor on community supervision for ten years. The State subsequently filed a motion to revoke Traylor's unadjudicated community supervision. Traylor pled "true" to three violations of the conditions of his community supervision. The trial court found that Traylor violated the conditions of his community supervision, found Traylor guilty of

burglary of a habitation as a repeat felony offender, and assessed punishment at twenty-five years of confinement.

Traylor's appellate counsel filed a brief that presents counsel's professional evaluation of the record and concludes the appeal is frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On February 11, 2010, we granted an extension of time for appellant to file a *pro se* brief. We received no response from appellant. We reviewed the appellate record, and we agree with counsel's conclusion that no arguable issues support an appeal. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeal. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We note that the trial court's judgment incorrectly recites that Traylor's offense is a first-degree felony. This Court has the authority to reform the trial court's judgment to correct a clerical error. *Bigley v. State*, 865 S.W.2d 26, 27 (Tex. Crim. App. 1993). Therefore, we delete "1st degree felony" from the section of the judgment entitled "Degree" and substitute "2nd degree felony, repeat felony offender" in its place. We affirm the trial court's judgment as reformed.¹

AFFIRMED AS REFORMED.

DAVID GAULTNEY
Justice

¹Appellant may challenge our decision in this case by filing a petition for discretionary review. *See* TEX. R. APP. P. 68.

Submitted on June 8, 2010
Opinion Delivered June 23, 2010
Do Not Publish

Before McKeithen, C.J., Gaultney and Kreger, JJ.