

NO. 12-08-00393-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

***RHONDA LYNN ROBERTSON,
APPELLANT***

§ APPEAL FROM THE 241ST

V.

§ JUDICIAL DISTRICT COURT OF

***THE STATE OF TEXAS,
APPELLEE***

§ SMITH COUNTY, TEXAS

MEMORANDUM OPINION

Rhonda Lynn Robertson appeals her conviction for tampering with physical evidence. In her sole issue, Appellant argues that the trial court's judgment should be reformed to accurately reflect the proceedings below. We modify the judgment and affirm as modified.

BACKGROUND

Appellant was charged by indictment with tampering with physical evidence under Texas Penal Code Section 37.09, alleged as a third degree felony. Appellant pleaded guilty to the charged offense and "TRUE" to a punishment enhancement. The trial court found Appellant guilty of the charged offense and found the enhancement to be "TRUE." The trial court assessed Appellant's punishment at fifteen years of imprisonment. This appeal followed.

JUDGMENT

In her sole issue, Appellant asks that we reform the trial court's judgment to accurately reflect the proceedings at trial. The State has joined Appellant in this request. During the proceedings, the State alleged an enhancement to which Appellant pleaded "TRUE," and the trial court found to be "TRUE." However, the judgment currently recites "N/A" next to the enhancement paragraph. Appellant and the State agree that these recitations are incorrect.

We have the authority to reform a judgment to make the record speak the truth. *Ingram v. State*, 261 S.W.3d 749, 754 (Tex. App.—Tyler 2008, no pet.); *see also Thompson v. State*, 108 S.W.3d 287, 290 (Tex. Crim. App. 2003). The Texas Rules of Appellate Procedure expressly authorize us to modify the judgment of the trial court. TEX. R. APP. P. 43.2. Therefore, we sustain Appellant’s sole issue.

DISPOSITION

We have sustained Appellant’s sole issue. Accordingly, we modify the trial court’s judgment to reflect that the Appellant pleaded “TRUE” to the enhancement paragraph. As modified, we *affirm* the judgment of the trial court.

JAMES T. WORTHEN
Chief Justice

Opinion delivered December 31, 2009.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)