

MODIFY and AFFIRM; Opinion issued January 16, 2013.



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

No. 05-11-01603-CR

ELIZABETH NGOZI ABAMU, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 7
Dallas County, Texas
Trial Court Cause No. F09-14767-Y**

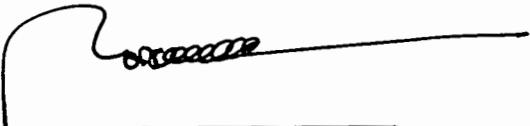
MEMORANDUM OPINION

**Before Justices FitzGerald, Fillmore, and Evans
Opinion by Justice Fillmore**

Elizabeth Ngozi Abamu waived a jury and pleaded not guilty to tampering with a governmental record. *See* TEX. PENAL CODE ANN. § 37.10(a) (West 2011). After finding Abamu guilty, the trial court assessed punishment at five years' imprisonment, probated for five years. In a single issue, Abamu contends the judgment should be modified to accurately reflect the proceedings. We modify the trial court's judgment and affirm as modified. The background of the case and the evidence admitted at trial are well known to the parties, and we therefore limit recitation of the facts. We issue this memorandum opinion pursuant to Texas Rule of Appellate Procedure 47.4 because the law to be applied in the case is well settled.

The record shows Abamu entered a not guilty plea to the charges in the indictment. The judgment, however, states she pleaded guilty and had a plea bargain agreement. Thus, the judgment is incorrect. We sustain Abamu's sole issue. We modify the judgment to show Abamu entered a not guilty plea and there were no plea bargain terms. 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).

As modified, we affirm the trial court's judgment.



ROBERT M. FILLMORE
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

ELIZABETH NGOZI ABAMU,
Appellant

No. 05-11-01603-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the Criminal District Court
No. 7 of Dallas County, Texas (Tr.Ct.No.
F09-14767-Y).

Opinion delivered by Justice Fillmore,
Justices FitzGerald and Evans participating.

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

The section entitled "Plea to Offense" is modified to show "Not Guilty."

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

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

Judgment entered January 16, 2013.

A handwritten signature in black ink, appearing to read "Robert M. Fillmore", written over a horizontal line.

ROBERT M. FILLMORE
JUSTICE