

MODIFY and AFFIRM; and Opinion Filed August 14, 2013.



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

No. 05-12-00951-CR

BREON SAMUEL JUNIEL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 203rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F12-53239-P**

MEMORANDUM OPINION

Before Justices Moseley, FitzGerald, and Lewis
Opinion by Justice Lewis

Breon Samuel Juniel waived a jury and pleaded guilty to burglary of a habitation. *See* TEX. PENAL CODE ANN. § 30.02(a) (West 2011). The trial court assessed punishment at fifteen years' imprisonment. In a single issue, appellant contends the judgment should be modified to show there was no plea bargain agreement. The State agrees the modification is needed. We modify the trial court's judgment and affirm as modified. The record shows that appellant entered an open plea of true to the allegations in the State's amended motion to adjudicate guilt. The judgment, however, incorrectly states the terms of plea bargain as "12 years TDCJ." We sustain appellant's sole issue.

We modify the judgment adjudicating guilt to show there was no plea bargain agreement. 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 adjudicating guilt.

/David Lewis/

DAVID LEWIS
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

BREON SAMUEL JUNIEL, Appellant

No. 05-12-00951-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 203rd Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F12-53239-P).

Opinion delivered by Justice Lewis,
Justices Moseley and FitzGerald
participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "Open."

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

Judgment entered August 14, 2013.

/David Lewis/

DAVID LEWIS
JUSTICE