

MODIFY and AFFIRM; November 8, 2013.



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

No. 05-12-01345-CR

TIMOTHY ALEXANDER, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F11-34377-N**

MEMORANDUM OPINION

Before Justices O'Neill, Lang-Miers, and Evans
Opinion by Justice O'Neill

A jury convicted Timothy Alexander of possession of marijuana in an amount of five pounds or less but more than four ounces and assessed punishment at three years' imprisonment and a \$1,500 fine. On appeal, appellant's attorney filed a brief in which she concludes the appeal is wholly frivolous and without merit. 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, 811 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to appellant.

Appellant filed a pro se response raising several issues. After reviewing counsel's brief, appellant's pro se response and motions, and the record, we agree the appeal is frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). We find nothing in the record that might arguably support the appeal.

Although not an arguable issue, we note the trial court's judgment incorrectly recites the pleas to and findings on two enhancement paragraphs as "N/A." The record shows that during the punishment phase, appellant pleaded true to two enhancement paragraphs, and the jury found the two enhancement paragraphs to be true. We modify the judgment to show appellant pleaded true to two enhancement paragraphs and the jury found the enhancement paragraphs true. *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.

/Michael J. O'Neill/
MICHAEL J. O'NEILL
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

TIMOTHY ALEXANDER, Appellant

No. 05-12-01345-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 195th Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F11-34377-N).

Opinion delivered by Justice O’Neill,
Justices Lang-Miers 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 1st Enhancement Paragraph” is modified to show “True.”

The section entitled “Findings on 1st Enhancement Paragraph” is modified to show “True.”

The section entitled “Plea to 2nd Enhancement/Habitual Paragraph” is modified to show “True.”

The section entitled “Findings on 2nd Enhancement/Habitual Paragraph” is modified to show “True.”

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

Judgment entered November 8, 2013.

/Michael J. O’Neill/

MICHAEL J. O’NEILL
JUSTICE