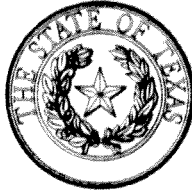


MODIFY and AFFIRM; and Opinion issued March 29, 2013.



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

No. 05-12-01350-CR

JOHN DEWELDON COLLINS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 283rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F12-12005-T**

MEMORANDUM OPINION

**Before Justices Lang-Miers, Murphy, and Fillmore
Opinion by Justice Lang-Miers**

John Deweldon Collins waived a jury and pleaded guilty to injury to a child. *See* TEX. PENAL CODE ANN. § 22.04(a) (West Supp. 2012). The trial court assessed punishment at eight years' imprisonment. In a single issue, appellant contends the trial court's judgment should be modified to show there was no plea bargain agreement. The State agrees modification is needed. 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.

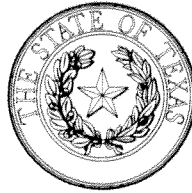
The record shows appellant entered an open guilty plea to the charges in the indictment. The judgment, however, states appellant entered a guilty plea pursuant to terms of a plea bargain agreement. Thus, the judgment is incorrect. We sustain appellant's sole issue. We modify the judgment to show appellant entered an open 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.


ELIZABETH LANG-MIERS
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

JOHN DEWELDON COLLINS,
Appellant

No. 05-12-01350-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 283rd Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F12-12005-T).

Opinion delivered by Justice Lang-Miers,
Justices Murphy and Fillmore 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.

Judgment entered March 29, 2013.


ELIZABETH LANG-MIERS
JUSTICE