

Affirmed as Modified; Opinion Filed October 30, 2013.



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

No. 05-12-01485-CR

LOUIS HANCOCK DAITCH, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 3
Dallas County, Texas
Trial Court Cause No. F04-44009-J**

MEMORANDUM OPINION

Before Justices Moseley, Lang, and Brown
Opinion by Justice Lang

Louis Hancock Daitch appeals from the revocation of his community supervision for the offense of possession of cocaine in an amount of four grams or more but less than 200 grams. TEX. HEALTH & SAFETY CODE ANN. § 481.115(a), (d) (West 2010). The trial court assessed punishment at ten years' imprisonment and ordered the sentence to run consecutively with the sentence in cause no. F11-45640-J (cause no. 05-12-01487-CR). 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 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 first page of the judgment incorrectly states "this sentence shall run concurrently." The record shows the trial judge ordered the sentence in this case to run consecutively with the sentence imposed in case no. F11-45640-J. The paragraph containing the cumulation order is located on the second page of the judgment. Accordingly, we modify the section of the trial court's judgment that says "punishment and place of confinement" to state this sentence will run consecutively with the sentence in case no. F11-45640-J. *See* TEX. R. APP. P. 43.2(b); *Bigley*, 865 S.W.2d at 27–28; *Asberry*, 813 S.W.2d at 529–30.

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

/s/ Douglas Lang
DOUGLAS S. LANG
JUSTICE

Do Not Publish
TEX. R. APP. P. 47
121485F.U05



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

JUDGMENT

LOUIS HANCOCK DAITCH, Appellant

No. 05-12-01485-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the Criminal District Court
No. 3 of Dallas County, Texas (Tr.Ct.No.
F04-44009-J).

Opinion delivered by Justice Lang, Justices
Moseley and Brown participating.

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

The section entitled "Punishment and Place of Confinement" is modified to show "This sentence shall run consecutively (see below)."

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

Judgment entered October 30, 2013.

/s/ Douglas Lang
DOUGLAS S. LANG
JUSTICE