

MODIFY and AFFIRM; and Opinion Filed November 24, 2014.



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

No. 05-13-00635-CR

No. 05-13-01385-CR

No. 05-13-01386-CR

DAARON TAYVON BUYCKS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F12-35389-N, F12-33600-N, F12-34766-N**

MEMORANDUM OPINION

Before Justices O'Neill, Fillmore, and Brown
Opinion by Justice O'Neill

Daaron Tayvon Buycks appeals his convictions for theft of property valued at \$1,500 or more but less than \$20,000, credit card abuse, and possession with intent to deliver codeine in an amount of twenty-eight grams or more but less than 200 grams within a drug-free zone. *See* TEX. PENAL CODE ANN. §§ 31.03(a), (e)(4)(A), 32.31(b) (West 2011 & Supp. 2014); TEX. HEALTH & SAFETY CODE ANN. §§ 481.114(a), (c), 481.134(b)(1) (West 2010 & Supp. 2014). On appeal, appellant's attorney filed a brief in which she concludes the appeals are 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, 811–12 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered a copy of the brief to appellant. We advised appellant of his right to file a pro se response, but he did not file a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (identifying duties of appellate courts and counsel in *Anders* cases).

We have reviewed the record and counsel’s brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). We agree the appeals are frivolous and without merit. We find nothing in the record that might arguably support the appeals.

Although not an arguable issue, we note that the judgment in the drug case shows the offense as “possession of a controlled substance.” Appellant was indicted for, pleaded guilty to, and was found guilty of possession with intent to deliver the codeine in a drug-free zone. Thus, the judgment is incorrect. We modify the trial court’s judgment in cause no. 05-13-01386-CR (trial court no. F12-34766-N) to show the “offense for which defendant was convicted” is possession with intent to deliver a controlled substance, codeine, in drug-free zone. *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).

We affirm the trial court's judgments in cause nos. 05-13-00635-CR and 05-13-01385-CR. We affirm, as modified, the trial court's judgment in cause no. 05-13-01386-CR.

/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

DAARON TAYVON BUYCKS,
Appellant

No. 05-13-00635-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 195th Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F12-35389-N).

Opinion delivered by Justice O'Neill,
Justices Fillmore and Brown participating.

Based on the Court's opinion of this date, the trial court's judgment is **AFFIRMED**.

Judgment entered November 24, 2014.



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

JUDGMENT

DAARON TAYVON BUYCKS,
Appellant

No. 05-13-01385-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 195th Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F12-33600-N).

Opinion delivered by Justice O’Neill,
Justices Fillmore and Brown participating.

Based on the Court’s opinion of this date, the trial court’s judgment is **AFFIRMED**.

Judgment entered November 24, 2014.



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

JUDGMENT

DAARON TAYVON BUYCKS,
Appellant

No. 05-13-01386-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 195th Judicial District
Court of Dallas County, Texas (Tr.Ct.No.
F12-34766-N).

Opinion delivered by Justice O’Neill,
Justices Fillmore and Brown participating.

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

The section entitled “Offense for which Defendant Convicted” is modified to show “Possession with intent to deliver a controlled substance, codeine, in drug-free zone.”

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

Judgment entered November 24, 2014.