

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



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

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**No. 05-13-01757-CR**

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**JOE SANCHEZ, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 7  
Dallas County, Texas  
Trial Court Cause No. F13-56498-Y**

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**MEMORANDUM OPINION**

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

Joe Sanchez waived a jury and pleaded guilty to aggravated assault with a deadly weapon involving family violence. *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2011); TEX. FAM. CODE ANN. §§ 71.0021, 71.005 (West 2008 & Supp. 2014). The trial court assessed punishment at fifteen years’ imprisonment. In a single issue, Sanchez contends the trial court’s judgment should be modified to show he entered an open plea of guilty. We modify the trial court’s judgment and affirm as modified.

The record shows Sanchez entered an open guilty plea to the charges in the indictment. The judgment, however, incorrectly recites plea bargain terms as “15 years penitentiary.” We

sustain Sanchez's sole issue. We modify the judgment to delete "15 years Penitentiary" from the "terms of plea bargain" section. 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.

/Robert M. Fillmore/  
ROBERT M. FILLMORE  
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

JOE SANCHEZ, Appellant

No. 05-13-01757-CR      V.

THE STATE OF TEXAS, Appellee

Appeal from the Criminal District Court  
No. 7 of Dallas County, Texas (Tr.Ct.No.  
F13-56498-Y).

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

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

Delete “15 Years Penitentiary” from section entitled “Terms of Plea Bargain.”

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

Judgment entered November 24, 2014.