

**MODIFY and AFFIRM; and Opinion Filed July 29, 2014.**



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

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**No. 05-14-00420-CR**

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**DANNY RAY TEMPLETON, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 2  
Dallas County, Texas  
Trial Court Cause No. F12-70535-I**

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**MEMORANDUM OPINION**

Before Justices Fillmore, Evans, and Lewis  
Opinion by Justice Lewis

Danny Ray Templeton appeals from the adjudication of his guilt for aggravated assault. In a single issue, appellant contends the trial court's judgment should be modified to reflect the correct statute for the charged offense. The State agrees that the judgment should be modified as appellant requests. We modify the trial court's judgment and affirm as modified.

The trial court's judgment adjudicating guilt incorrectly identifies the statute for the offense as "481.115 Health and Safety Code." Appellant was convicted of aggravated assault with a deadly weapon under section 22.02 of the Texas Penal Code. *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2011). Thus, the judgment is incorrect. We sustain appellant's sole issue.

We further note the judgment incorrectly states that the degree of the offense is a state jail felony. Aggravated assault with a deadly weapon is a second-degree felony offense. *Id.* § 22.02(b). We modify the judgment adjudicating guilt to show the statute for the offense is “22.02(a) Penal Code” and the degree of the offense is “second-degree felony.” 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 adjudicating guilt.

/David Lewis/

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DAVID LEWIS

JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

DANNY RAY TEMPLETON, Appellant

No. 05-14-00420-CR      V.

THE STATE OF TEXAS, Appellee

Appeal from the Criminal District Court  
No. 2 of Dallas County, Texas (Tr.Ct.No.  
F12-70535-I).

Opinion delivered by Justice Lewis,  
Justices Fillmore and Evans participating.

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

The section titled "Statute for Offense" is modified to show "22.02(a) Penal Code."

The section titled "Degree" is modified to show "Second Degree Felony."

As modified, we **AFFIRM** the judgment adjudicating guilt.

Judgment entered July 29, 2014.