

AFFIRMED; Opinion Filed September 25, 2015.



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

No. 05-15-00141-CR

JOHNATHAN MICHAEL CLEM, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause No. F14-58417-L**

MEMORANDUM OPINION

Before Justices Lang, Evans, and Whitehill
Opinion by Justice Evans

Johnathan Michael Clem waived a jury and pleaded guilty to aggravated assault with a deadly weapon, a knife. *See* TEX. PENAL CODE ANN. § 22.02(a)(2) (West 2011). After finding appellant guilty, the trial court assessed punishment at ten years' imprisonment. In a single issue, appellant contends the trial court erred by failing to orally admonish him as to the consequences of his guilty plea. We affirm the trial court's judgment.

Appellant contends he was harmed by the trial court's failure to orally admonish him of the consequences of his guilty plea because he did not understand the written admonishments.

The State responds the trial court properly admonished appellant in writing of the consequences of his plea and no further oral admonishment was required.

The record shows the trial court properly admonished appellant in writing. *See* TEX. CODE CRIM. PROC. ANN. art. 26.13(a), (c) (West Supp. 2014); *Kirk v. State*, 949 S.W.2d 769, 771 (Tex. App.—Dallas 1997, pet. ref'd). Appellant said he had “gone over all the papers” that he had signed with his counsel. These papers include appellant’s judicial confession and stipulation of evidence as well as the plea agreement that contains written admonishments. *See* TEX. CODE CRIM. PROC. ANN. art. 26.13(d). The written admonishments correctly set out the offense with which appellant was charged and the punishment range for that offense. The trial court asked appellant whether he understood all of his rights. After appellant responded, “not really,” the trial court went off the record. The reporter’s record states “Off-the-record discussion held.” When the case was back on the record, the trial court again asked appellant if he understood all his rights, and appellant responded, “yes, Your Honor.” Nothing in the record shows appellant was unaware of the consequences of his plea nor does it affirmatively show he was harmed or misled by the admonishments given. We overrule appellant’s sole issue.

We affirm the trial court’s judgment.

/ David Evans/
DAVID EVANS
JUSTICE

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

JUDGMENT

JOHNATHAN MICHAEL CLEM,
Appellant

No. 05-15-00141-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the Criminal District Court
No. 5 of Dallas County, Texas (Tr.Ct.No.
F14-58417-L).

Opinion delivered by Justice Evans,
Justices Lang and Whitehill participating.

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

Judgment entered this 25th day of September, 2015.