

**Affirmed as Modified; Opinion Filed April 6, 2016.**



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

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**No. 05-15-00374-CR**

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**RODERICK BROWN, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 291st Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F11-56213-U**

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**MEMORANDUM OPINION**

Before Justices Fillmore, Stoddart, and Schenck  
Opinion by Justice Stoddart

Roderick Brown appeals after his conviction, following the adjudication of his guilt, for aggravated robbery with a deadly weapon. *See* TEX. PENAL CODE ANN. § 29.03(a) (West 2011). The trial court assessed punishment, enhanced by a prior felony conviction, at thirty-five years' imprisonment. In a single issue, appellant contends the trial court's judgment incorrectly reflects his plea to an enhancement paragraph. We modify the trial court's judgment adjudicating guilt and affirm as modified.

Appellant contends the order deferring adjudication of guilt incorrectly shows he pleaded true to two enhancement paragraphs when there was only one enhancement paragraph alleged in

the indictment. Once the trial court revoked appellant's community supervision and adjudicated appellant guilty, the order deferring adjudication of guilt was no longer in effect. *See Taylor v. State*, 131 S.W.3d 497, 502 (Tex. Crim. App. 2004); *McCoy v. State*, 81 S.W.3d 917, 919 (Tex. App.—Dallas 2002, pet. ref'd). Because the order deferring adjudication of guilt is no longer in effect, we decline to modify it as appellant requests.

However, the judgment adjudicating guilt likewise does not correctly reflect that appellant pleaded true to one enhancement paragraph and the trial court found the enhancement paragraph true. Thus, on our own motion, we modify the trial court's judgment adjudicating guilt to show the "plea to first enhancement paragraph" is "true," and the "finding on first enhancement paragraph" is "true." *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.

/Craig Stoddart/  
CRAIG STODDART  
JUSTICE

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TEX. R. APP. P. 47  
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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

RODERICK BROWN, Appellant

No. 05-15-00374-CR      V.

THE STATE OF TEXAS, Appellee

Appeal from the 291st Judicial District  
Court of Dallas County, Texas (Tr.Ct.No.  
F11-56213-U).

Opinion delivered by Justice Stoddart,  
Justices Fillmore and Schenck participating.

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

Add the section entitled "Plea to 1st Enhancement Paragraph: True."

Add the section entitled "Findings on 1st Enhancement Paragraph: True."

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

Judgment entered this 6th day of April, 2016.