

MODIFY and AFFIRM; and Opinion Filed January 27, 2016.



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

No. 05-15-01228-CR

MARK ANTHONY RAMOS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 2
Dallas County, Texas
Trial Court Cause No. F15-51172-I**

MEMORANDUM OPINION

Before Justices Bridges, Lang-Miers, and Schenck
Opinion by Justice Schenck

Mark Anthony Ramos waived a jury and pleaded guilty to aggravated assault with a deadly weapon. *See* TEX. PENAL CODE ANN. § 22.02(a) (West 2011). The trial court assessed punishment at ten years' imprisonment. On appeal, appellant's attorney filed a brief in which he concludes the appeal is 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. *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).

Appellant filed a pro se response raising several issues. After reviewing counsel’s brief, appellant’s pro se response, and the record, we agree the appeal is frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). We find nothing in the record that might arguably support the appeal.

Although not an arguable issue, we note the trial court’s judgment incorrectly states there was a plea bargain agreement. The record reflects appellant entered an open plea of guilty to the charge in the indictment. Accordingly, we modify the section of the judgment entitled “terms of plea bargain” to state “open.” *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.

/David J. Schenck/

DAVID J. SCHENCK
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

MARK ANTHONY RAMOS, Appellant

No. 05-15-01228-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the Criminal District Court
No. 2 of Dallas County, Texas (Tr.Ct.No.
F15-51172-I).

Opinion delivered by Justice Schenck,
Justices Bridges and Lang-Miers
participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "Open."

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

Judgment entered January 27, 2016.