

Affirmed as Modified; Opinion Filed July 29, 2016.



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

No. 05-15-01306-CR

**JULIAN TERENCE MARTIN JR, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 6
Dallas County, Texas
Trial Court Cause No. F13-59221-X**

MEMORANDUM OPINION

Before Justices Myers, Stoddart, and Whitehill
Opinion by Justice Myers

A jury convicted Julian Terence Martin Jr. of murder and assessed his punishment at thirty-four years' imprisonment and a \$10,000 fine. *See* TEX. PENAL CODE ANN. § 19.02(b)(1) (West 2011). On appeal, appellant's attorney filed a brief in which she 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. We advised appellant of his right to file a pro se response, but he did not file a pro se response. *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).

We have reviewed the record and counsel’s brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). We agree the appeal is frivolous and without merit. We find nothing in the record that might arguably support the appeal.

Although not an arguable issue, we note the trial court’s judgment contains several errors. The judgment incorrectly reflects appellant entered a guilty plea, there were terms of a plea bargain, and omitted a \$10,000 fine. The record shows appellant entered a plea of not guilty to the charges in the indictment and the jury assessed a \$10,000 fine in addition to the thirty-four-year prison term. Accordingly, on our own motion, we modify the section of the judgment entitled “plea to offense” to state “not guilty,” the section entitled “terms of plea bargain” to state “none,” and to include the \$10,000 fine. *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. We order the trial court to issue an amended judgment that reflects the above changes.

/Lana Myers/
LANA MYERS
JUSTICE

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

JUDGMENT

JULIAN TERENCE MARTIN JR.,
Appellant

No. 05-15-01306-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 6, Dallas County, Texas
Trial Court Cause No. F13-59221-X.
Opinion delivered by Justice Myers. Justices
Stoddart and Whitehill participating.

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

The section entitled "Plea to Offense" is modified to show "Not Guilty."

The section entitled "Terms of Plea Bargain" is modified to show "None."

The section entitled "Fine" is modified to show "\$10,000."

As modified, we **AFFIRM** the trial court's judgment. We **ORDER** the trial court to issue an amended judgment that reflects the above changes.

Judgment entered this 29th day of July, 2016.