

**MODIFY and AFFIRM; and Opinion November 29, 2017.**



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

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**No. 05-16-01505-CR**

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**ANTHONY HENRY MCKINZIE, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 219th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 219-80701-2016**

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**MEMORANDUM OPINION**

Before Justices Lang-Miers, Fillmore, and Stoddart  
Opinion by Justice Lang-Miers

A jury convicted Anthony Henry McKinzie of aggravated robbery with a deadly weapon and assessed punishment at twelve 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, 812 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets requirements of *Anders*). 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) (noting appellant has right to file pro se response to *Anders* brief filed by counsel).

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 incorrectly omits the deadly weapon finding. Appellant was indicted for aggravated robbery with a deadly weapon, a firearm. *See* TEX. PENAL CODE ANN. § 29.03 (West 2011). The jury found appellant guilty of “aggravated robbery as charged in the indictment.” The trial court’s judgment recites the findings on deadly weapon as “N/A.” Accordingly, on our own motion, we modify the judgment to show the findings on deadly weapon is “yes, a firearm.” TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993) (courts of appeals have authority to modify a judgment); *Estrada v. State*, 334 S.W.3d 57, 63–64 (Tex. App.—Dallas 2009, no pet.) (same).

As modified, we affirm the trial court’s judgment.

/Elizabeth Lang-Miers/  
ELIZABETH LANG-MIERS  
JUSTICE

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TEX. R. APP. P. 47

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

**JUDGMENT**

ANTHONY HENRY MCKINZIE,  
Appellant

No. 05-16-01505-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 219th Judicial District  
Court, Collin County, Texas  
Trial Court Cause No. 219-80701-2016.  
Opinion delivered by Justice Lang-Miers.  
Justices Fillmore and Stoddart participating.

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

The section entitled "Findings on Deadly Weapon" is modified to show "Yes, a Firearm."

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

Judgment entered this 29th day of November, 2017.