

MODIFY and AFFIRM; and Opinion Filed November 21, 2017.



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

No. 05-17-00424-CR

No. 05-17-00426-CR

No. 05-17-00427-CR

JAMOL DEMOND STALEY, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause Nos. F14-54696-L, F15-57196-L, F17-16910-L**

MEMORANDUM OPINION

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

Jamol Demond Staley appeals his convictions, following the adjudication of his guilt, for burglary of a habitation with intent to commit other felony and assault by impeding the breath/circulation and involving family violence. Appellant also appeals his conviction for possession of phencyclidine in an amount less than one gram. After finding appellant guilty, the trial court sentenced him to five years' imprisonment for the burglary and the assault convictions, and one year's confinement in state jail for the possession conviction. On appeal, appellant's attorney filed a brief in which she concludes the appeals are 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 judgments adjudicating guilt in cause nos. 05-17-00424-CR and 05-17-00426-CR incorrectly recite there were plea bargain terms. The record, however, shows appellant entered open pleas of true to the allegations in the motions to adjudicate. Accordingly, on our own motion, we modify the section of the judgment entitled “terms of plea bargain” to show “open.” 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.).

In cause numbers 05-17-00424-CR and 05-17-00426-CR, we affirm the trial court’s judgments as modified. In cause number 05-17-00427-CR, we affirm the trial court’s judgment.

/Ada Brown/

ADA BROWN
JUSTICE

Do Not Publish
TEX. R. APP. P. 47

170424F.U05



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

JUDGMENT

JAMOL DEMOND STALEY, Appellant

No. 05-17-00424-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 5, Dallas County, Texas

Trial Court Cause No. F14-54696-L.

Opinion delivered by Justice Brown.

Justices Lang and Whitehill participating.

Based on the Court's opinion of this date, the judgment adjudicating guilt of the trial court 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 adjudicating guilt.

Judgment entered this 21st day of December, 2017.



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

JUDGMENT

JAMOL DEMOND STALEY, Appellant

No. 05-17-00426-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 5, Dallas County, Texas

Trial Court Cause No. F15-57196-L.

Opinion delivered by Justice Brown.

Justices Lang and Whitehill participating.

Based on the Court's opinion of this date, the judgment adjudicating guilt of the trial court 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 adjudicating guilt.

Judgment entered this 21st day of December, 2017.



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

JUDGMENT

JAMOL DEMOND STALEY, Appellant

No. 05-17-00427-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court

No. 5, Dallas County, Texas

Trial Court Cause No. F17-16910-L.

Opinion delivered by Justice Brown.

Justices Lang and Whitehill participating.

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

Judgment entered this 21st day of December, 2017.