

MODIFY and AFFIRM; and Opinion Filed March 6, 2018.



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

No. 05-17-00912-CR

No. 05-17-00913-CR

No. 05-17-00914-CR

No. 05-17-00915-CR

DERRICK LAVAUGHN THOMPSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 5
Dallas County, Texas
Trial Court Cause Nos. F10-57300-L, F11-56640-L, F16-71826-L, F16-76424-L**

MEMORANDUM OPINION

Before Justices Lang-Miers, Myers, and Boatright
Opinion by Justice Boatright

Derrick Lavaughn Thompson appeals his convictions for possession with intent to deliver cocaine in an amount of four grams or more but less than 200 grams (cause no. 05-17-00912-CR), possession of cocaine in an amount of one gram or more but less than four grams (cause nos. 05-17-00913-CR and 05-17-00914-CR), and continuous violence against the family (cause no. 05-17-00915-CR). The trial court sentenced appellant to seven years' imprisonment in each case.

On appeal, appellant's attorney filed a brief under *Anders v. California*, 386 U.S. 738 (1967), concluding that the appeals are wholly frivolous and without merit. An *Anders* brief must present a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978).

Having reviewed the brief and the record, *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005), we find no reversible error. We agree with counsel that the appeals are frivolous and without merit, and that nothing in the record might arguably support them.

Counsel has informed us that she delivered a copy of the *Anders* brief to appellant, advised him of his right to file a pro se response and petition for discretionary review, and made the record available to him, as required by the Court of Criminal Appeals in *Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014). Appellant has not filed a response.

We note that the trial court’s judgment in each case states that there were plea bargain terms. The record, however, shows that in cause nos. 05-17-00912-CR and 05-17-00913-CR, appellant entered open pleas of true to several allegations in the State’s motions to adjudicate, and entered open pleas of nolo contendere in cause nos. 05-17-00914-CR and 05-17-00915-CR. Accordingly, on our own motion, we modify the section of each judgment entitled “terms of plea bargain” to show “open” (in cause nos. 05-17-00912-CR and 05-17-00913-CR) and “nolo contendere” (in cause nos. 05-17-00914-CR and 05-17-00915-CR). TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993).

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

/Jason Boatright/

JASON BOATRRIGHT
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

DERRICK LAVAUGHN THOMPSON,
Appellant

No. 05-17-00912-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 5, Dallas County, Texas
Trial Court Cause No. F10-57300-L.
Opinion delivered by Justice Boatright.
Justices Lang-Miers and Myers
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 6th day of March, 2018.



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

JUDGMENT

DERRICK LAVAUGHN THOMPSON,
Appellant

No. 05-17-00913-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 5, Dallas County, Texas
Trial Court Cause No. F11-56640-L.
Opinion delivered by Justice Boatright.
Justices Lang-Miers and Myers
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 6th day of March, 2018.



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

JUDGMENT

DERRICK LAVAUGHN THOMPSON,
Appellant

No. 05-17-00914-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 5, Dallas County, Texas
Trial Court Cause No. F16-71826-L.
Opinion delivered by Justice Boatright.
Justices Lang-Miers and Myers
participating.

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

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

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

Judgment entered this 6th day of March, 2018.



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

JUDGMENT

DERRICK LAVAUGHN THOMPSON,
Appellant

No. 05-17-00915-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 5, Dallas County, Texas
Trial Court Cause No. F16-76424-L.
Opinion delivered by Justice Boatright.
Justices Lang-Miers and Myers
participating.

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

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

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

Judgment entered this 6th day of March, 2018.