

MODIFY and AFFIRM; and Opinion Filed May 25, 2018.



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

No. 05-17-00917-CR

**DUNTA MORRIS JOHNSON, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 6
Dallas County, Texas
Trial Court Cause No. F17-00400-X**

MEMORANDUM OPINION

Before Justices Bridges, Brown, and Boatright
Opinion by Justice Brown

A jury convicted Dunta Morris Johnson for aggravated assault with a deadly weapon involving family violence. During the punishment phase, appellant pleaded true to one enhancement paragraph. The trial court found the enhancement paragraph true and sentenced appellant to twenty-eight years' imprisonment. 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, 812 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets requirements of *Anders*). Counsel delivered a copy of the brief to appellant. *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).

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 erroneously states the punishment was assessed by the jury. The record shows appellant elected to have the trial judge assess punishment. Accordingly, on our own motion, we modify the section of the judgment entitled “Punishment Assessed by:” to show “Court.”

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

/Ada Brown/

ADA BROWN
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

DUNTA MORRIS JOHNSON, Appellant

No. 05-17-00917-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 6, Dallas County, Texas

Trial Court Cause No. F17-00400-X.

Opinion delivered by Justice Brown.

Justices Bridges and Boatright
participating.

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

The section entitled "Punishment Assessed by:" to show "Court."

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

Judgment entered this 25th day of May, 2018.