

MODIFY and AFFIRM; and Opinion Filed June 28, 2018.



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

**No. 05-17-00989-CR
No. 05-17-00993-CR
No. 05-17-00994-CR**

**DANIELLE NICOLE TURNER, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause Nos. 401-81260-2014, 401-81261-2014, 401-81262-2014**

MEMORANDUM OPINION

Before Justices Francis, Fillmore, and Whitehill
Opinion by Justice Fillmore

Danielle Nicole Turner appeals two convictions for credit card abuse of an elderly person and one conviction for credit card abuse. After adjudicating appellant's guilt in each case, the trial court sentenced her to four years in prison for each credit card abuse of an elderly person and confinement in state jail for seventeen months for credit card abuse.

On appeal, appellant's attorney filed a brief in which he 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*).

Having reviewed the brief and the record, we find no reversible error. *Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). 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 he delivered a copy of the *Anders* brief to appellant, advised her of her right to file a pro se response and petition for discretionary review, and made the record available to her, as required by the Court of Criminal Appeals in *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 has not filed a response.

Although not an arguable issue, we note that the trial court’s judgment in each case states that there were plea bargain terms. The record, however, shows that in each case appellant entered open pleas of true to all the allegations in the State’s motions to adjudicate. Accordingly, on our own motion, we modify the section of each 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).

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

/Robert M. Fillmore/

ROBERT M. FILLMORE
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

DANIELLE NICOLE TURNER, Appellant

No. 05-17-00989-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 401st Judicial District
Court, Collin County, Texas

Trial Court Cause No. 401-81260-2014.

Opinion delivered by Justice Fillmore.

Justices Francis 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 28th day of June, 2018.



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

JUDGMENT

DANIELLE NICOLE TURNER, Appellant

No. 05-17-00993-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 401st Judicial District
Court, Collin County, Texas

Trial Court Cause No. 401-81261-2014.

Opinion delivered by Justice Fillmore.

Justices Francis 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 28th day of June, 2018.



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

JUDGMENT

DANIELLE NICOLE TURNER, Appellant

No. 05-17-00994-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 401st Judicial District
Court, Collin County, Texas

Trial Court Cause No. 401-81262-2014.

Opinion delivered by Justice Fillmore.

Justices Francis 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 28th day of June, 2018.