

Affirmed as Modified and Opinion Filed September 21, 2018



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

---

No. 05-17-01368-CR

---

**DERIC BERNARD MCLAURINE, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

---

**On Appeal from the Criminal District Court No. 7**  
**Dallas County, Texas**  
**Trial Court Cause No. F14-71400-Y**

---

**MEMORANDUM OPINION**

Before Justices Bridges, Francis, and Lang-Miers  
Opinion by Justice Bridges

Appellant Deric Bernard McLaurine appeals his conviction, following the adjudication of his guilt, for aggravated assault with a deadly weapon. The trial court assessed punishment at twenty 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. *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 judgment adjudicating guilt incorrectly recites there were plea bargain terms in this case. The record, however, shows appellant entered an open plea of true to all but two allegations in the motion to adjudicate. Accordingly, on our own motion, we modify the judgment to show appellant entered an open plea of true. 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.

/David L. Bridges/  
\_\_\_\_\_  
DAVID L. BRIDGES  
JUSTICE

Do Not Publish  
TEX. R. APP. P. 47  
171368F.U05



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

**JUDGMENT**

DERIC BERNARD MCLAURINE,  
Appellant

No. 05-17-01368-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court  
No. 7, Dallas County, Texas  
Trial Court Cause No. F14-71400-Y.  
Opinion delivered by Justice Bridges.  
Justices Francis and Lang-Miers  
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 September 21, 2018.