

AFFIRMED as MODIFIED and Opinion Filed October 29, 2018



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

No. 05-17-01480-CR

No. 05-17-01481-CR

**JOHN ANTHONY LEONARD, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 6
Dallas County, Texas
Trial Court Cause Nos. F11-60173-X; F11-59713-X**

MEMORANDUM OPINION

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

John Anthony Leonard appeals his two aggravated robbery convictions¹ in cause numbers 05-17-01480-CR and 05-17-01481-CR. In two issues, appellant argues the judgment in each case should be modified to reflect the correct name of the defense attorney who represented him at the underlying adjudication hearing. As modified, we affirm the trial court's judgments.

In October 2011, appellant was indicted on two charges of aggravated robbery with a deadly weapon. In August 2012, appellant entered a guilty plea to each charge, and the trial court placed appellant on deferred adjudication community supervision for ten years. In October 2017, the State filed a motion to adjudicate appellant's guilt in each case. Appellant pleaded true to the

¹ In his judicial confession, appellant confessed to an aggravated assault conviction in June 2008.

allegations in the motions to adjudicate. Following a hearing in December 2017, the trial court entered judgments adjudicating appellant’s guilt and sentencing him to fifteen years’ confinement in each case. These appeals followed.

In two issues, appellant argues the judgment in each case should be modified to correctly name his defense attorney. The State agrees that the judgments are incorrect and should be modified. This Court has the power to modify a judgment to make the record speak the truth when we have the necessary information to do so. TEX. R. APP. P. 43.2(b); *Asberry v. State*, 813 S.W.2d 526, 529 (Tex. App.—Dallas 1991, pet. ref’d); *Barnes v. State*, No. 05-16-01184-CR, 2017 WL 5897746, at *6 (Tex. App.—Dallas Nov. 29, 2017, no pet.) (mem. op., not designated for publication).

Each judgment in this case identifies appellant’s attorney as “Bill Ash.” The record reflects that appellant’s attorney was “Bill Ashe II.” We sustain appellant’s two issues. We modify the judgment in each case to reflect that “Bill Ashe II” was appellant’s attorney in each case.

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

/David L. Bridges/

DAVID L. BRIDGES
JUSTICE

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TEX. R. APP. P. 47.2(b)

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

JUDGMENT

JOHN ANTHONY LEONARD, Appellant

No. 05-17-01480-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 6, Dallas County, Texas
Trial Court Cause No. F11-60173-X.
Opinion delivered by Justice Bridges.
Justices Francis and Lang-Miers
participating.

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

following "Attorney for Defendant:" "Bill Ashe II" is substituted.
As **REFORMED**, the judgment is **AFFIRMED**.

Judgment entered October 29, 2018.



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

JUDGMENT

JOHN ANTHONY LEONARD, Appellant

No. 05-17-01481-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 6, Dallas County, Texas
Trial Court Cause No. F11-59713-X.
Opinion delivered by Justice Bridges.
Justices Francis and Lang-Miers
participating.

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

following "Attorney for Defendant:" "Bill Ashe II" is substituted.
As **REFORMED**, the judgment is **AFFIRMED**.

Judgment entered October 29, 2018.