

Affirmed as modified; Opinion Filed October 4, 2018.



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

No. 05-18-00189-CR

**ARMAN DANTE HENDERSON, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 203rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F17-71372**

MEMORANDUM OPINION

Before Justices Lang, Fillmore, and Schenck
Opinion by Justice Lang

Appellant Arman Dante Henderson was charged by indictment with “possess[ing] with intent to deliver, a controlled substance, to wit: 5-fluoro ADB, in an amount of less than 1 gram,” within 1,000 feet of the premises of a school or youth center. Appellant waived a jury and entered a non-negotiated plea of guilty to that offense and a plea of true to an enhancement paragraph. Following a bench trial, the trial court convicted appellant of the charged offense, found the enhancement paragraph true, and assessed punishment at twelve years’ imprisonment.

In a single issue on appeal, appellant asserts “[t]he trial court’s judgment should be modified to correctly reflect that the judge presiding over Appellant’s plea hearing was the ‘Honorable Teresa Hawthorne,’ not the Honorable Steven Autry, and that Appellant’s defense attorney was ‘William J. Fay,’ not William Faye.” The State agrees.

I. APPLICABLE LAW

This Court “has the power to correct and reform the judgment of the court below to make the record speak the truth when it has the necessary data and information to do so.” *Asberry v. State*, 813 S.W.2d 526, 529 (Tex. App.—Dallas 1991, pet. ref’d); *accord Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *Abron v. State*, 997 S.W.2d 281, 282 (Tex. App.—Dallas 1998, pet. ref’d); *see also* TEX. R. APP. P. 43.2(b) (court of appeals may “modify the trial court’s judgment and affirm it as modified”).

II. APPLICATION OF LAW TO FACTS

The trial court’s judgment states in part “Judge Presiding: Hon. Steven Autry” and “Attorney for Defendant: William Faye.” However, the record unambiguously shows, and the parties agree, that the presiding judge in this case was the Honorable Teresa Hawthorne and appellant’s counsel was William J. Fay. Further, the State asserts in part that it “joins in Appellant’s request” for the modifications described above.

We decide appellant’s issue in his favor. Accordingly, we modify the trial court’s judgment as requested by appellant in his issue described above.

III. CONCLUSION

We decide in favor of appellant on his sole issue. We modify the trial court’s judgment to state (1) “Judge Presiding: Hon. Teresa Hawthorne,” rather than “Judge Presiding: Hon. Steven Autry,” and (2) “Attorney for Defendant: William J. Fay,” rather than “Attorney for Defendant: William Faye.” As modified, the trial court’s judgment is affirmed.

/Douglas S. Lang/
DOUGLAS S. LANG
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

ARMAN DANTE HENDERSON,
Appellant

No. 05-18-00189-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 203rd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. F17-71372.
Opinion delivered by Justice Lang, Justices
Fillmore and Schenck participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** to state (1) "Judge Presiding: Hon. Teresa Hawthorne," rather than "Judge Presiding: Hon. Steven Autry," and (2) "Attorney for Defendant: William J. Fay," rather than "Attorney for Defendant: William Faye."

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered this 4th day of October, 2018.