

Affirmed as modified; Opinion Filed January 25, 2019.



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

No. 05-18-00888-CR

**STEVEN KEE, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 204th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F17-57651-Q**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Pedersen, III, and Carlyle
Opinion by Justice Carlyle

The trial court adjudicated appellant Steven Kee guilty and entered a judgment of conviction against him for the unauthorized use of a motor vehicle, assessing punishment at eight years' imprisonment. Kee's appellate attorney has filed a brief concluding the appeal is wholly frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967).

We have reviewed the record and counsel's brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). The brief meets the *Anders* requirements. It 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 has certified he delivered a copy of the brief to appellant. We advised appellant of his right to file

a response, and he has not filed a response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (explaining right to file pro se response to counsel’s *Anders* brief). We agree the appeal is frivolous and without merit, finding nothing in the record that might arguably support a non-frivolous appeal.

Appellate counsel advises us that the trial court’s judgment incorrectly indicates there was a plea agreement at this motion-to-adjudicate stage. The record shows appellant entered a plea of “not true” to the allegations in the State’s amended motion to adjudicate. We modify the incorrect section in the trial court’s judgment adjudicating guilt entitled “terms of plea bargain” to correctly show “none.” As modified, we affirm the trial court’s judgment.

/Cory L. Carlyle/
CORY L. CARLYLE
JUSTICE

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

STEVEN KEE, Appellant

No. 05-18-00888-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. F17-57651-Q.
Opinion delivered by Justice Carlyle.
Justices Partida-Kipness and Pedersen, III
participating.

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

The section entitled "Terms of Plea Bargain" is modified to show "None."

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

Judgment entered this 25th day of January, 2019.