

AFFIRMED as MODIFIED and Opinion Filed December 4, 2019



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

No. 05-18-01472-CR

**CLAUDIO CASTRO, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 1
Dallas County, Texas
Trial Court Cause No. F-1775758-H**

MEMORANDUM OPINION

Before Justices Bridges, Molberg, and Partida-Kipness
Opinion by Justice Bridges

Claudio Castro appeals the trial court's judgment adjudicating his guilt for failure to register as a sex offender. In a single issue, appellant argues the judgment should be reformed to reflect that he did not plead true to two allegations involving violation of a protective order. The State concurs. As reformed, we affirm the trial court's judgment.

In June 2017, appellant was charged by indictment with the offense of failure to register as a sex offender. Pursuant to a negotiated guilty plea, the trial court entered an order of deferred adjudication and placed appellant on community supervision for ten years and assessed a \$1000 fine. In September 2017, the State filed a motion to adjudicate alleging appellant violated conditions "a," "b," "h," "j," "k," "l," "n," "p," and "s" of his community supervision. At a hearing on the motion, appellant pled true to violating conditions "b," "h," "j," "k," "l," "n," and "s" but

pled not true to violating conditions “a” and “p.” The trial court adjudicated appellant’s guilt and sentenced him to seven years’ confinement. The trial court’s judgment reflected appellant pled true to the motion to adjudicate. This appeal followed.

In a single issue, appellant argues the judgment should be reformed to reflect that he did not plead true to two allegations in the State’s motion to adjudicate. The State agrees that the judgment is 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). Therefore, we sustain appellant’s single issue. We modify the judgment to reflect that appellant pled true to violating conditions of community supervision “b,” “h,” “j,” “k,” “l,” “n,” and “s” but pled not true to violating conditions “a” and “p.”

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

/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

CLAUDIO CASTRO, Appellant

No. 05-18-01472-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 1, Dallas County, Texas
Trial Court Cause No. F-1775758-H.
Opinion delivered by Justice Bridges.
Justices Molberg and Partida-Kipness
participating.

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

Under the heading "Plea to Motion to Adjudicate," "TRUE" is deleted, and the following is substituted: "True to violating conditions "b," "h," "j," "k," "l," "n," and "s." "Not true to violating conditions "a" and "p."

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

Judgment entered December 4, 2019