

AFFIRMED as MODIFIED and Opinion Filed November 5, 2020



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

No. 05-19-01319-CR

No. 05-19-01320-CR

**XAVIOR DEVON COLLIER, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 6
Dallas County, Texas
Trial Court Cause Nos. F-18-58981-X & F-18-58982-X**

MEMORANDUM OPINION

Before Justices Molberg, Carlyle, and Browning
Opinion by Justice Browning

Appellant Xavier Devon Collier was charged with aggravated robbery in trial court cause number F-18-58981-X (appellate cause number 05-19-01319-CR) and evading arrest in trial court cause number F-18-58982-X (appellate cause number 05-19-01320-CR). He pleaded guilty, and the trial court sentenced him to eight years' confinement.

The trial court appointed new counsel to represent appellant on appeal. Following the appointment, appellant's counsel filed a motion to withdraw from representation and a supporting *Anders* brief. *See Anders v. California*, 386 U.S.

738, 744–45 (1967). The motion indicates that counsel has carefully reviewed the record, and she is of the opinion there are no reversible errors, the appeal is wholly frivolous, and she has filed a brief in conformity with *Anders* and *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969). She further states in her motion that she provided appellant a copy of her brief, a copy of the record, and informed appellant of his right to file a pro se brief.

Appellant filed a pro se motion on March 10, 2020, and indicated, in part, that he did not receive a complete copy of the Clerk’s Record. We ordered counsel to communicate with appellant, determine which portions were missing, and send any omitted portions. By letter dated March 18, 2020, counsel informed appellant and the Court that she resent the Clerk’s record in appellate cause number 05-19-01319-CR. Appellant subsequently filed a pro se brief raising issues related to his conviction for aggravated robbery. He did not challenge his evading arrest conviction.

As the reviewing court, we must conduct an independent evaluation of the record to determine whether counsel is correct in concluding that an appeal is frivolous. *See Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). After reviewing the appellate record, counsel’s brief, and appellant’s pro se response, we agree there are no arguable issues to support the appeals.

Although not an arguable issue, we note one clerical error in the judgments. Both judgments list “HILARY WHITE FOR SCOTT WELLS BAR # 24056901” as

“Attorney for State:.” Scott Wells represented the State during the open plea hearing, and the record does not indicate Hilary White participated in any capacity for the State. When the record provides the necessary information to correct inaccuracies in the trial court’s judgment, we have the authority to reform the judgment to speak the truth. 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); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref’d). Accordingly, we sua sponte modify the judgments to reflect that the attorney for the State was “Scott Wells.” See TEX. R. APP. P. 43.2(b); see also *McBride v. State*, No. 05-11-01727-CR, 2013 WL 363776, at *1 (Tex. App.—Dallas Jan. 31, 2013, no pet.) (mem. op., not designated for publication) (modifying judgment to correct attorney name).

As modified, we affirm the trial court’s judgments and grant counsel’s motion to withdraw.

/John G. Browning/
JOHN G. BROWNING
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

XAVIOR DEVON COLLIER,
Appellant

No. 05-19-01319-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 6, Dallas County, Texas
Trial Court Cause No. F-18-58981-X.
Opinion delivered by Justice
Browning. Justices Molberg and
Carlyle participating.

Based on the Court's opinion of this date, we **MODIFY** the judgment to reflect that Scott Wells represented the State. As modified, the judgment of the trial court is **AFFIRMED**, and Sharita Blacknall's motion to withdraw as counsel is **GRANTED**.

Judgment entered November 5, 2020



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

JUDGMENT

XAVIOR DEVON COLLIER,
Appellant

No. 05-19-01320-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 6, Dallas County, Texas
Trial Court Cause No. F-18-58982-X.
Opinion delivered by Justice
Browning. Justices Molberg and
Carlyle and participating.

Based on the Court's opinion of this date, we **MODIFY** the judgment to reflect that Scott Wells represented the State. As modified, the judgment of the trial court is **AFFIRMED**, and Sharita Blacknall's motion to withdraw as counsel is **GRANTED**.

Judgment entered November 5, 2020