

Affirm and Opinion Filed November 9, 2021



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

No. 05-20-00941-CR

No. 05-20-00942-CR

No. 05-21-00176-CR

CHRISTOPHER CORTEZ THOMAS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the Criminal District Court No. 4
Dallas County, Texas
Trial Court Cause Nos. F19-75068-K, F19-75069-K, & F19-51345-K**

MEMORANDUM OPINION

Before Justices Myers, Partida-Kipness, and Carlyle
Opinion by Justice Myers

Appellant Christopher Cortez Thomas was charged with compelling prostitution by force, threat, or fraud (00941), trafficking (00942), and aggravated assault causing serious bodily injury (00176). He waived his right to a jury trial in the three cases, signed a judicial confession, pleaded guilty, and entered pleas of “not true” to the enhancement paragraph in each case. After hearing punishment-related evidence, the trial court found appellant guilty in each case, found the enhancement paragraph true, and it assessed punishment of thirty years in prison, with the three

sentences to run concurrently.

Appellant's counsel has filed a motion to withdraw. The motion is supported by a brief in which counsel professionally and conscientiously examines the record and the applicable law and concludes this appeal is frivolous and without merit.

Counsel certifies that he provided appellant with a copy of the brief and the motion to withdraw. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief 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, 812–13 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets requirements of *Anders*); *see also Arevalos v. State*, 606 S.W.3d 912, 915–16 (Tex. App.—Dallas 2020, no pet.) (citing *High* and concluding *Anders* brief in support of motion to withdraw did not meet requirements of *Anders* and was deficient as to form). We advised appellant by letter of his right to file a pro se response, but he has not filed a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (appellant has right to file pro se response to *Anders* brief filed by counsel).

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). We agree the appeal is frivolous and without merit, and we find nothing in the record that might arguably support the appeal.

Although not arguable issues, we note two clerical errors in the judgments.

First, the judgments incorrectly list the prosecutor in these cases as “Blake Lenfield,” when the pleadings and reporter’s record show the prosecutor was “Blake Penfield.” Second, each judgment incorrectly lists “N/A” in the section pertaining to the enhancement paragraph in each indictment. But the records reflect that appellant pleaded “not true” to the enhancement paragraph in each case, and, prior to sentencing, the trial court found the enhancement allegations “true.”

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); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref’d); *Shumate v State*, No. 05-20-00197-CR, 2021 WL 4260768, at *3 (Tex. App.—Dallas Sept. 20, 2021, no pet. h.). Accordingly, in each judgment, under “Attorney for State,” “Blake Lenfield” is changed to “Blake Penfield.” In addition, in each judgment, under “1st ENHANCEMENT PARAGRAPH,” “N/A” is changed to “NOT TRUE,” and under “Finding on 1st ENHANCEMENT PARAGRAPH,” “N/A” is changed to “TRUE.”

We grant counsel’s motion to withdraw and, as modified, affirm the judgments.

/Lana Myers//

LANA MYERS
JUSTICE

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



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

JUDGMENT

CHRISTOPHER CORTEZ
THOMAS, Appellant

No. 05-20-00941-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 4, Dallas County, Texas
Trial Court Cause No. F19-75068-K.
Opinion delivered by Justice Myers.
Justices Partida-Kipness and Carlyle
participating.

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

Under “Attorney for State,” “Blake Lenfield” is changed to “Blake Penfield.”

Under “1st ENHANCEMENT PARAGRAPH,” “N/A” is changed to “NOT TRUE,” and under “Finding on 1st ENHANCEMENT PARAGRAPH,” “N/A” is changed to “TRUE.”

As **REFORMED**, the judgment is **AFFIRMED**. The trial court is directed to prepare a corrected judgment that reflects the modifications made in this Court’s opinion and judgment in this case.

Judgment entered this 9th day of November, 2021.



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

JUDGMENT

CHRISTOPHER CORTEZ
THOMAS, Appellant

No. 05-20-00942-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 4, Dallas County, Texas
Trial Court Cause No. F19-75069-K.
Opinion delivered by Justice Myers.
Justices Partida-Kipness and Carlyle
participating.

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

Under "Attorney for State," "Blake Lenfield" is changed to "Blake Penfield."

Under "1st ENHANCEMENT PARAGRAPH," "N/A" is changed to "NOT TRUE," and under "Finding on 1st ENHANCEMENT PARAGRAPH," "N/A" is changed to "TRUE."

As **REFORMED**, the judgment is **AFFIRMED**. The trial court is directed to prepare a corrected judgment that reflects the modifications made in this Court's opinion and judgment in this case.

Judgment entered this 9th day of November, 2021.



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

JUDGMENT

CHRISTOPHER CORTEZ
THOMAS, Appellant

No. 05-21-00176-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 4, Dallas County, Texas
Trial Court Cause No. F19-51345-K.
Opinion delivered by Justice Myers.
Justices Partida-Kipness and Carlyle
participating.

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

Under “Attorney for State,” “Blake Lenfield” is changed to “Blake Penfield.”

Under “1st ENHANCEMENT PARAGRAPH,” “N/A” is changed to “NOT TRUE,” and under “Finding on 1st ENHANCEMENT PARAGRAPH,” “N/A” is changed to “TRUE.”

As **REFORMED**, the judgment is **AFFIRMED**. The trial court is directed to prepare a corrected judgment that reflects the modifications made in this Court’s opinion and judgment in this case.

Judgment entered this 9th day of November, 2021.