

**AFFIRMED as MODIFIED and Opinion Filed October 6, 2022**



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

**No. 05-21-01091-CR  
No. 05-21-01092-CR  
No. 05-21-01093-CR  
No. 05-21-01094-CR  
No. 05-21-01095-CR**

**RUBEN ALEJANDRO MORENO-MURIEL, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 204th Judicial District Court  
Dallas County, Texas  
Trial Court Cause Nos. F20-00535-Q, F20-82003-Q, F20-82004-Q,  
F17-41680-Q, F17-10464-Q**

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**MEMORANDUM OPINION**

Before Justices Schenck, Reichel, and Goldstein  
Opinion by Justice Reichel

Ruben Alejandro Moreno-Muriel appeals his convictions for five offenses: aggravated assault with a deadly weapon, manufacture/delivery of a controlled substance, credit card abuse, and two criminal violations of the motor-fuel-tax provisions of the Texas Tax Code. In 2019, appellant pleaded guilty to the first two offenses and, pursuant to a plea bargain agreement, was sentenced to a five-year term of deferred adjudication community supervision for each offense. In 2020, appellant was indicted for the remaining three offenses. The State moved to

adjudicate appellant's guilt of the assault and controlled substance offenses based, in part, on his commission of the new offenses.

In 2021, appellant pleaded guilty to the new offenses without the benefit of a plea agreement. Appellant additionally pleaded true to the motions to adjudicate. A consolidated trial before the court without a jury was conducted on the issue of punishment. After hearing the evidence, the trial court sentenced appellant to two years in prison for the credit card abuse offense and ten years in prison for each of the remaining offenses. All five sentences were ordered to run concurrently.

On appeal, appellant's court-appointed appellate counsel has filed a brief in which she concludes there are no arguable points of error and the appeal is wholly frivolous and without merit. She has also filed an accompanying motion to withdraw as appointed counsel. When an appellate court receives an *Anders* brief asserting no arguable grounds for appeal exist, we must determine that issue independently by conducting our own review of the record. *See Anders v. California*, 386 U.S. 738, 744 (1967) (emphasizing that the reviewing court, and not appointed counsel, determines, after full examination of proceedings, whether the case is "wholly frivolous"); *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991) (quoting *Anders*). If we conclude, after conducting an independent review, that "appellate counsel has exercised professional diligence in assaying the record for error" and agree the appeal is frivolous, we should grant counsel's motion to withdraw and affirm the trial court's judgment. *In re Schulman*, 252 S.W.3d 403,

409 (Tex. Crim. App. 2008); *Meza v. State*, 206 S.W.3d 684, 689 (Tex. Crim. App. 2006).

The brief before us meets the requirements of *Anders*. It presents a professional evaluation of the record showing why 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*). We advised appellant by letter of his right to file a pro se response and appellant did not file a 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).

Although not an arguable issue, the State notes the trial court’s judgments in two of the causes do not accurately reflect the statute for the offense of which appellant was convicted. This Court has the power to modify a judgment to make the record speak the truth when we have the necessary information before us to do so. *See* TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.–Dallas 1991, pet. ref’d). Accordingly, we modify the trial court’s judgments in the following manner: in trial court cause number F20-82003-Q, the “Statute for Offense” portion of the judgment is modified to state “162.403(34), 162.405(e) Tax Code” and in trial court cause number F20-82004-Q the “Statute for Offense” portion of the judgment is modified to state “162.403(31), 162.405(e) Tax Code.” We grant counsel’s motion to withdraw and, as reformed, we affirm the trial court’s judgments.

/Amanda L. Reichek/  
AMANDA L. REICHEK  
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**

RUBEN ALEJANDRO MORENO-  
MURIEL, Appellant

No. 05-21-01091-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F20-00535-Q.  
Opinion delivered by Justice  
Reichek. Justices Schenck and  
Goldstein participating.

Based on the Court's opinion of this date, the judgment of the trial court is  
**AFFIRMED.**

Judgment entered October 6, 2022



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

**JUDGMENT**

RUBEN ALEJANDRO MORENO-  
MURIEL, Appellant

No. 05-21-01092-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F20-82003-Q.  
Opinion delivered by Justice  
Reichek. Justices Schenck and  
Goldstein participating.

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

The "Statute for Offense" portion of the judgment is **MODIFIED** to state "162.403(34), 162.405(e) Tax Code."

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

Judgment entered October 6, 2022



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

**JUDGMENT**

RUBEN ALEJANDRO MORENO-  
MURIEL, Appellant

No. 05-21-01093-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F20-82004-Q.  
Opinion delivered by Justice  
Reichek. Justices Schenck and  
Goldstein participating.

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

The "Statute for Offense" portion of the judgment is **MODIFIED** to state "162.403(31), 162.405(e) Tax Code."

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

Judgment entered October 6, 2022



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

**JUDGMENT**

RUBEN ALEJANDRO MORENO-  
MURIEL, Appellant

No. 05-21-01094-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F17-41680-Q.  
Opinion delivered by Justice  
Reichek. Justices Schenck and  
Goldstein participating.

Based on the Court's opinion of this date, the judgment of the trial court is  
**AFFIRMED.**

Judgment entered October 6, 2022





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

**JUDGMENT**

RUBEN ALEJANDRO MORENO-  
MURIEL, Appellant

No. 05-21-01095-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F17-10464-Q.  
Opinion delivered by Justice  
Reichek. Justices Schenck and  
Goldstein participating.

Based on the Court's opinion of this date, the judgment of the trial court is  
**AFFIRMED.**

Judgment entered October 6, 2022