

Affirmed and Memorandum Opinion filed June 1, 2017.



In The

Fourteenth Court of Appeals

NO. 14-16-00412-CR

RUBEN MORENO, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 230th District Court
Harris County, Texas
Trial Court Cause No. 1444939**

MEMORANDUM OPINION

In this appeal from a conviction for aggravated robbery, the sole question presented is whether the State produced sufficient evidence to substantiate a plea of guilty. We conclude that it did.

Before a trial court may render a judgment of conviction in a felony case where the defendant has pleaded guilty, the State must produce evidence of the defendant's guilt that is "in addition to, and independent of, the plea itself." *See Menefee v. State*, 287 S.W.3d 9, 14 (Tex. Crim. App. 2009); *see also* Tex. Code

Crim. Proc. art. 1.15 (“In no event shall a person charged be convicted [of a felony] upon his plea without sufficient evidence to support the same.”). The State may satisfy this burden with several forms of evidence, including a written confession. *See Menefee*, 287 S.W.3d at 13–14. The evidence is sufficient so long as it “covers all of the elements of the charged offense.” *Id.*

At his plea hearing, appellant signed a document entitled “Waiver of Constitutional Rights, Agreement to Stipulate, and Judicial Confession.” In that document, appellant confessed that, while in the course of committing a theft, he intentionally and knowingly threatened and placed the complainant in fear of imminent bodily injury and death. Appellant also confessed that he used and exhibited a deadly weapon.

The trial judge signed the document, memorializing that appellant had entered his guilty plea knowingly and voluntarily after discussing the case with his attorney. The document was then marked as an exhibit and admitted into evidence without objection.

Appellant’s written confession is sufficient to substantiate his plea of guilty because it covers all of the essential elements of aggravated robbery.¹ *See* Tex. Penal Code § 29.03(a)(2); *Jones v. State*, 373 S.W.3d 790, 793 (Tex. App.—Houston [14th Dist.] 2012, no pet.) (“A written confession approved by the court, and thus considered by the court, can be sufficient to substantiate a guilty plea even if not introduced into evidence.”). Accordingly, we conclude that the State satisfied its burden of proof. *See* Tex. Code Crim. Proc. art. 1.15.

¹ Appellant had complained that the evidence was insufficient because the written confession was not in the appellate record at the time that he filed his brief. However, a supplemental record containing the written confession was filed in this court after appellant filed his brief. Appellant did not supplement or amend his brief since the written confession was filed in this court.

The trial court's judgment is affirmed.

/s/ Tracy Christopher
Justice

Panel consists of Justices Christopher, Busby, and Jewell.
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