In The

Court of Appeals

Ninth District of Texas at Beaumont

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NO. 09-09-00235-CR
NO. 09-09-00236-CR

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JEFFERY HUFF a/k/a JEFFREY HUFF a/k/a JEFFERY RAY HUFF, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 252nd District Court
Jefferson County, Texas
Trial Cause Nos. 98302 and 98303

MEMORANDUM OPINION

Pursuant to plea bargain agreements, appellant Jeffery Huff a/k/a Jeffrey Huff a/k/a Jeffery Ray Huff pled guilty to possession of marijuana and possession of a controlled substance, namely methamphetamine. In each case, the trial court found the evidence sufficient to find Huff guilty, but deferred further proceedings, placed Huff on community supervision for ten years, and assessed a fine of $500. The State subsequently filed a motion to revoke Huff's unadjudicated community supervision in both cases. Huff pled "true" in

both cases to four violations of the conditions of his community supervision. In each case, the trial court found that Huff violated the conditions of his community supervision and found him guilty. In the possession of marijuana case, the trial court assessed punishment at twenty years of confinement. After finding Huff to be a repeat felony offender, the trial court also assessed punishment at twenty years of confinement in the possession of a controlled substance case. The trial court ordered that the sentences were to run concurrently.

Huff's appellate counsel filed a brief that presents counsel's professional evaluation of the records and concludes the appeals are frivolous. *See Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). On September 17, 2009, we granted an extension of time for appellant to file a *pro se* brief. We received no response from the appellant. We reviewed the appellate records, and we agree with counsel's conclusion that no arguable issues support the appeals. Therefore, we find it unnecessary to order appointment of new counsel to re-brief the appeals. *Compare Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991). We note that the trial court's judgment in the possession of a controlled substance case incorrectly recites that Huff's offense is a first degree felony. This Court has the authority to reform the trial court's judgment to correct a clerical error. *Bigley v. State,* 865 S.W.2d 26, 27 (Tex. Crim. App. 1993). Therefore, we delete "1st degree felony" from the section of the judgment

entitled "Degree" and substitute "3rd degree felony, repeat felony offender" in its place. In addition, we note that the trial court's judgment incorrectly recites that the statute for the offense is section 481.121 of the Texas Controlled Substance Act. We delete this language from the section entitled "Statute for Offense" and substitute "Sec. 481.116 T.C.S.A." in its place. *See* TEX. HEALTH & SAFETY CODE ANN. § 481.116 (Vernon Supp. 2009). Furthermore, in the possession of marijuana case, we note that the trial court's judgment incorrectly recites that the statute for the offense is section 481.116 of the Texas Controlled Substance Act. We delete this language from the section entitled "Statute for Offense" and substitute "481.121 T.C.S.A." in its place. *See* TEX. HEALTH & SAFETY CODE ANN. § 481.121 (Vernon Supp. 2009). We affirm the trial court's judgments as reformed.[1]

AFFIRMED AS REFORMED.

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HOLLIS HORTON
Justice

Submitted on February 9, 2010
Opinion Delivered February 17, 2010
Do Not Publish

Before McKeithen, C.J., Kreger and Horton, JJ.

[1]Appellant may challenge our decision in this case by filing a petition for discretionary review. *See* TEX. R. APP. P. 68.