

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-13-00042-CR
NO. 09-13-00109-CR
NO. 09-13-00110-CR
NO. 09-13-00111-CR
NO. 09-13-00112-CR
NO. 09-13-00113-CR

KENNETH LOWE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 12-08-08497 CR, Counts 1 - 6

MEMORANDUM OPINION

Kenneth Lowe¹ pleaded guilty to indecency with a child by sexual contact, improper photography, and four counts of aggravated sexual assault of a child. The trial court sentenced Lowe to two years in prison for indecency, 180 days in state jail for improper photography, and life in prison for each of the aggravated sexual

¹Lowe is also referred to in the record as “Kenneth Shaun Lowe.”

assault offenses. The trial court ordered that the sentences for aggravated sexual assault run consecutively.

Lowe's appellate counsel filed briefs that present counsel's professional evaluation of the record and conclude Lowe's appeals are frivolous. *See Anders v. California*, 386 U.S. 738 (1967); *High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978). We granted an extension of time for Lowe to file a *pro se* brief, but we received no response from Lowe. We have determined that these appeals are wholly frivolous. We have independently examined the clerk's records and the reporter's records, and we agree that no arguable issues support the appeals. 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).

However, we note that the judgment in count V erroneously states that Lowe's sentence shall run consecutively with counts "III, VI, and VI of Cause 12-08-08497-CR." This Court has the authority to modify the trial court's judgments to correct a clerical error. *Bigley v. State*, 865 S.W.2d 26, 27 (Tex. Crim. App. 1993). Therefore, we delete the following language from the judgment in Count V, Appeal No. 09-13-00112-CR: "III, VI, and VI of Cause 12-08-08497-CR" and substitute the following language: "III, IV, and VI of Cause 12-08-08497-CR." We affirm the judgment in Count V, Appeal No. 09-13-00112-CV as modified. We

affirm the trial court's judgments in Count I, Appeal No. 09-13-00042-CR; Count II, Appeal No. 09-13-00109-CR; Count III, Appeal No. 09-13-00110-CR; Count IV, Appeal No. 09-13-00111-CR; and Count VI, Appeal No. 09-13-00113-CR.²

COUNTS I, II, III, IV, AND VI AFFIRMED.

COUNT V AFFIRMED AS MODIFIED.

STEVE McKEITHEN
Chief Justice

Submitted on January 27, 2014
Opinion Delivered March 5, 2014
Do Not Publish

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

²Lowe may challenge our decision by filing a petition for discretionary review. *See* Tex. R. App. P. 68.