



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-22-00038-CR

TREMAYNE DOUGLAS WARE, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 202nd District Court
Bowie County, Texas
Trial Court No. 21F1137-202

Before Stevens, C.J., van Cleef and Rambin, JJ.
Memorandum Opinion by Justice van Cleef

MEMORANDUM OPINION

A Bowie County jury found Tremayne Douglas Ware guilty of aggravated family violence assault with a deadly weapon causing serious bodily injury, a first-degree felony. *See* TEX. PENAL CODE ANN. § 22.02(b)(1) (Supp.). After he pled true to the State’s punishment enhancement allegations, the jury assessed a sentence of life imprisonment. Ware appeals.¹

Ware’s attorney has filed a brief stating that he has reviewed the record and has found no genuinely arguable issues that could be raised on appeal. The brief sets out the procedural history of the case and summarizes the evidence elicited during the course of the trial court proceedings. Since counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced, that evaluation meets the requirements of *Anders v. California*. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

On August 24, 2022, counsel mailed to Ware copies of the brief, the appellate record, and the motion to withdraw. Ware was informed of his rights to review the record and file a pro se response. Ware filed a pro se response arguing (1) that the trial court erred by admitting extraneous-offense evidence and (2) that the verdict was not supported by legally sufficient evidence.

¹In our companion cause numbers 06-22-00039-CR and 06-22-00040-CR, Ware appeals his convictions and life sentences for murder and endangering a child.

We have reviewed the entire appellate record and Ware's pro se response and have independently determined that no reversible error exists. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). However, non-reversible error is found in the trial court's judgment.

The State filed two punishment enhancement allegations. Although the trial court's judgment reflects that Ware pled true only to the State's first punishment enhancement allegation, the reporter's record demonstrates that Ware pled true to both punishment enhancement allegations. "We have the authority to modify the judgment to make the record speak the truth." *Minter v. State*, 570 S.W.3d 941, 944 (Tex. App.—Texarkana 2019, no pet.) (citing TEX. R. APP. P. 43.2(b); *French v. State*, 830 S.W.2d 607, 609 (Tex. Crim. App. 1992); *Rhoten v. State*, 299 S.W.3d 349, 356 (Tex. App.—Texarkana 2009, no pet.)). Consequently, we modify the trial court's judgment to show that Ware's plea to the second punishment enhancement paragraph was also true.

As modified, we affirm the judgment of the trial court.²

Charles van Cleef
Justice

Date Submitted: December 27, 2022
Date Decided: January 26, 2023

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²Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel's request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, he must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.