



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

No. 06-22-00162-CR

DERRICK GLYNN FIELDS, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 188th District Court
Gregg County, Texas
Trial Court No. 53,598-A

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

MEMORANDUM OPINION

A Gregg County jury found Derrick Glynn Fields guilty of unlawful possession of a firearm by a felon. After the jury found the State’s punishment enhancement “true,” it assessed a sentence of eighteen years’ imprisonment. On appeal, Fields argues (1) that the trial court erred by allowing the State to elicit testimony that violated Fields’s rights to remain silent and to be free from self-incrimination, (2) that there was a material variance between the State’s punishment enhancement allegation and the proof of the prior conviction introduced at trial, and (3) that, due to the variance at punishment, the sentence imposed exceeded the maximum sentence allowed.¹

Fields raised these same issues in his appeal in cause number 06-22-00161-CR, and we addressed Fields’s points of error in detail in that opinion. For the reasons stated therein, we likewise conclude that Fields failed to preserve his first point of error here and that, because there was no material variance at punishment, Fields’s sentence in this cause was within the appropriate punishment range.

We affirm the trial court’s judgment.

Scott E. Stevens
Chief Justice

Date Submitted: August 3, 2023
Date Decided: August 17, 2023

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¹In our companion cause number 06-22-00161-CR, Fields also appeals his conviction for possession of methamphetamine in an amount of one gram or more but less than four grams.