

NO. 12-11-00291-CR

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>DESHAUN MARQUISE FORD,</i> <i>APPELLANT</i>	§	<i>APPEALS FROM THE 114TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>THE STATE OF TEXAS,</i> <i>APPELLEE</i>	§	<i>SMITH COUNTY, TEXAS</i>

MEMORANDUM OPINION

Deshaun Marquise Ford appeals his conviction for assault—family violence. In his sole issue on appeal, he argues that the written judgment of the trial court incorrectly reflects the identity of his counsel at trial. We modify the trial court’s judgment and affirm as modified.

BACKGROUND

In 2009, Appellant entered into a plea agreement whereby he was sentenced to ten years of imprisonment, probated for ten years, for the offense of assault—family violence. In 2011, the State filed an application to revoke Appellant’s community supervision, alleging that Appellant violated the terms of his community supervision. The State’s motion alleged that Appellant failed to pay for urinalysis testing, to maintain employment, to pay his monthly supervision fee, to pay the presentence investigation report fee, to complete an anger management class, and to obtain a GED. The motion also alleged that Appellant used cocaine.

Appellant pleaded “true” to all of the allegations contained in the State’s motion. After a hearing, the trial court revoked Appellant’s community supervision and sentenced Appellant to seven years of imprisonment. Subsequently, the trial court entered a written judgment in which Appellant’s trial counsel was identified as “JACKSON, AUSTIN REEVE.” This appeal

followed.

MISIDENTIFICATION OF TRIAL COUNSEL IN WRITTEN JUDGMENT

In his sole issue, Appellant argues that the trial court misidentified his trial counsel in its written “Judgment Revoking Community Supervision” as “JACKSON, AUSTIN REEVE.” An appellate court may modify a trial court’s judgment to correct, among other things, clerical errors. *See Asberry v. State*, 813 S.W.2d 526, 530 (Tex. App.—Dallas 1991, pet. ref’d); *see also Ex parte Poe*, 751 S.W.2d 873, 876 (Tex. Crim. App. 1988).

In the instant case, the judgment was entered on September 12, 2011. The record reflects that Appellant was represented before the trial court by Brent Ratekin. The trial court appointed Austin Reeve Jackson as Appellant’s appellate counsel by written order in September 2011. Accordingly, we conclude that the trial court’s judgment misidentifies Jackson as Appellant’s trial counsel and should be modified.

Appellant’s sole issue is sustained.

DISPOSITION

We have sustained Appellant’s sole issue. Accordingly, we *modify* the trial court’s “Judgment Revoking Community Supervision” dated September 12, 2011 by deleting the notation identifying “JACKSON, AUSTIN REEVE” as “Attorney for Defendant” and inserting the notation “RATEKIN, BRENT” as “Attorney for Defendant.” We *affirm* as modified.

SAM GRIFFITH
Justice

Opinion delivered August 15, 2012.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(DO NOT PUBLISH)



COURT OF APPEALS
TWELFTH COURT OF APPEALS DISTRICT OF TEXAS
JUDGMENT

AUGUST 15, 2012

NO. 12-11-00291-CR

DESHAUN MARQUISE FORD,
Appellant
V.
THE STATE OF TEXAS,
Appellee

Appeal from the 114th Judicial District Court
of Smith County, Texas. (Tr.Ct.No. 114-1510-09)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that the judgment should be modified and as modified, affirmed.

It is therefore ORDERED, ADJUDGED and DECREED that the judgment of the court below be modified by deleting the notation identifying "JACKSON, AUSTIN REEVE" as "Attorney for Defendant" and inserting the notation "RATEKIN, BRENT" as "Attorney for Defendant," that the judgment be **affirmed as modified**, and that this decision be certified to the court below for observance.

Sam Griffith, Justice.
Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.