Affirmed as Modified; Opinion Filed June 6, 2016.

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-15-01072-CR
No. 05-15-01073-CR
No. 05-15-01074-CR
No. 05-15-01075-CR

ROBERT LEE MCDANIEL, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F15-30239-U, F15-32920-U, F15-32922-U, F15-45100-U

MEMORANDUM OPINION

Before Chief Justice Wright and Justices Bridges and Lang
Opinion by Justice Lang

Robert Lee McDaniel waived a jury, pleaded guilty to four robbery offenses, and pleaded true to two enhancement paragraphs. *See* TEX. PENAL CODE ANN. § 29.02(a) (West 2011). After finding appellant guilty and the enhancement paragraphs true, the trial court assessed punishment at twenty-five years' imprisonment in each case. On appeal, appellant's attorney filed briefs in which she concludes the appeals are wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). The brief presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 811–12 (Tex. Crim. App. [Panel Op.] 1978). Counsel delivered

copies of the briefs to appellant. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (identifying duties of appellate courts and counsel in *Anders* cases).

Appellant filed a pro se response raising several issues After reviewing counsel's briefs, appellant's pro se response, and the record, we agree the appeals are frivolous and without merit. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court's duty in *Anders* cases). We find nothing in the record that might arguably support the appeals.

Although not an arguable issue, we note several clerical errors in the judgments. First, the judgments do not correctly reflect that appellant pleaded true to two enhancement paragraphs in each case and the trial court found the enhancement paragraphs true. Second, the judgments incorrectly reflect there was a plea bargain agreement. The record shows appellant entered open pleas of guilty to the charges in the indictments. Accordingly, we modify the trial court's judgment in each case to show the "plea to 1st enhancement paragraph" is "true," "findings on 1st enhancement paragraph" is "true," "plea to 2nd enhancement paragraph" is "true," "findings on 2nd enhancement paragraph" is true, and the "terms of plea bargain" is "open." *See* TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref'd).

As modified, we affirm the trial court's judgment in each case.

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

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Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

ROBERT LEE MCDANIEL, Appellant

No. 05-15-01072-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District Court, Dallas County, Texas
Trial Court Cause No. F15-30239-U.
Opinion delivered by Justice Lang. Chief Justice Wright and Justice Bridges participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** as follows:

The section entitled "Terms of Plea Bargain" is modified to show "Open."

The section entitled "Plea to 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Findings on 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Plea to 2nd Enhancement/Habitual Paragraph" is modified to show "True."

The section entitled "Findings on 2nd Enhancement/Habitual Paragraph" is modified to show "True."

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered this 6th day of June, 2016.

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

ROBERT LEE MCDANIEL, Appellant

No. 05-15-01073-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District Court, Dallas County, Texas
Trial Court Cause No. F15-32920-U.
Opinion delivered by Justice Lang. Chief Justice Wright and Justice Bridges participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** as follows:

The section entitled "Terms of Plea Bargain" is modified to show "Open."

The section entitled "Plea to 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Findings on 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Plea to 2nd Enhancement/Habitual Paragraph" is modified to show "True."

The section entitled "Findings on 2nd Enhancement/Habitual Paragraph" is modified to show "True."

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered this 6th day of June, 2016.

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

ROBERT LEE MCDANIEL, Appellant

No. 05-15-01074-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District Court, Dallas County, Texas
Trial Court Cause No. F15-32922-U.
Opinion delivered by Justice Lang. Chief Justice Wright and Justice Bridges participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** as follows:

The section entitled "Terms of Plea Bargain" is modified to show "Open."

The section entitled "Plea to 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Findings on 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Plea to 2nd Enhancement/Habitual Paragraph" is modified to show "True."

The section entitled "Findings on 2nd Enhancement/Habitual Paragraph" is modified to show "True."

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered this 6th day of June, 2016.

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

ROBERT LEE MCDANIEL, Appellant

No. 05-15-01075-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 291st Judicial District Court, Dallas County, Texas
Trial Court Cause No. F15-45100-U.
Opinion delivered by Justice Lang. Chief Justice Wright and Justice Bridges participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** as follows:

The section entitled "Terms of Plea Bargain" is modified to show "Open."

The section entitled "Plea to 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Findings on 1st Enhancement Paragraph" is modified to show "True."

The section entitled "Plea to 2nd Enhancement/Habitual Paragraph" is modified to show "True."

The section entitled "Findings on 2nd Enhancement/Habitual Paragraph" is modified to show "True."

As **MODIFIED**, the judgment is **AFFIRMED**.

Judgment entered this 6th day of June, 2016.