TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

JUDGMENT RENDERED JULY 21, 2017

NO. 03-14-00712-CR

Anthony Torres, Appellant

v.

The State of Texas, Appellee

**APPEAL FROM THE 207TH DISTRICT COURT OF COMAL COUNTY
BEFORE CHIEF JUSTICE ROSE, JUSTICES PEMBERTON AND FIELD
MODIFIED AND, AS MODIFIED, AFFIRMED IN PART; REVERSED AND
REMANDED IN PART; AFFIRMED—OPINION BY JUSTICE PEMBERTON**

This is an appeal from the judgments of conviction rendered by the district court. Having reviewed the record and the parties' arguments, the Court holds that there was reversible error in the district court's judgment of conviction for the offense of sexual assault in a prohibited relationship. Therefore, the Court modifies the judgment of conviction for the first-degree felony offense of sexual assault in a prohibited relationship to reflect that Torres was convicted of the second-degree felony offense of sexual assault, affirms the judgment as modified as to the finding of guilt, reverses that part of the judgment imposing sentence, and remands to the district court for a new punishment hearing for that offense. The Court further holds that there was no error in the court's judgment of conviction for the offense of prohibited sexual conduct that requires reversal. Therefore, the Court affirms the judgment of conviction for the offense of

prohibited sexual conduct. Because appellant is indigent and unable to pay costs, no adjudication of costs is made.