Affirmed as modified and Opinion Filed March 2, 2021

In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-19-01370-CR

ALAN MICHAEL SCHUECKLER, Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the 265th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F11-72399-R

MEMORANDUM OPINION

Before Justices Schenck, Smith, and Garcia
Opinion by Justice Garcia

Appellant Alan Michael Schueckler pleaded guilty to sexual assault of a child and was placed on deferred adjudication community supervision for eight years.

Almost six years later, the State filed a motion to revoke probation or proceed with an adjudication of guilt, which it later amended. After a hearing, the trial court adjudicated appellant guilty and assessed punishment at four years' imprisonment. Appellant timely appealed.

In two issues, appellant asserts that the judgment adjudicating guilt incorrectly states that he pleaded true to the State's motion to adjudicate. He asks us to modify

the judgment to show that he pleaded not true to allegations "aa" and "y." The State does not oppose appellant's requested relief.

The State's amended motion alleged that appellant violated four conditions of his probation, namely conditions "aa," "v," "y," and "z." The reporter's record of the motion-to-adjudicate hearing shows that the State withdrew its motion as to condition "z." It also shows that appellant pleaded true to violating condition "v" and pleaded not true to all other alleged violations.

We can modify the trial court's judgment to make the record speak the truth when we have the information necessary to do so. *See* TEX. R. APP. P. 43.2(b); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref'd) (en banc).

Accordingly, we modify the trial court's judgment so that the section entitled "Plea to Motion to Adjudicate" reads "True to violation of condition 'v.' Not true to violations of conditions 'y' and 'aa.'" We affirm the judgment as modified.

/Dennise Garcia/
DENNISE GARCIA
JUSTICE

Do Not Publish
Tex. R. App. P. 47.2(b)
191370F.U05

Court of Appeals
Fifth District of Texas at Dallas

JUDGMENT

ALAN MICHAEL SCHUECKLER, Appellant	On Appeal from the 265th Judicial District Court, Dallas County, Texas Trial Court Cause No. F11-72399-R.
No. 05-19-01370-CR V.	Opinion delivered by Justice Garcia. Justices Schenck and Smith participating.
THE STATE OF TEXAS, Appellee	

Based on the Court's opinion of this date, we **MODIFY** the trial court's judgment adjudicating guilt as follows:

The section entitled "Plea to Motion to Revoke" is modified to show "True to violation of condition 'v.' Not true to violations of conditions 'y' and 'aa.'"

We **AFFIRM** as modified the trial court's judgment adjudicating guilt.

Judgment entered March 2, 2021.