Affirmed As Modified and Opinion filed April 12, 2001.

In The

Fourteenth Court of Appeals

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NOS. 14-00-00784-CR & 14-00-00785-CR

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AMADO VASQUEZ MELENDRES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 344th District Court
Chambers County, Texas
Trial Court Cause Nos. 10,670 and 10,671

O P I N I O N

Appellant was charged by indictment in two causes, each with multiple counts. A jury found appellant guilty of two counts of aggravated sexual assault, one count of sexual assault, and three counts of indecency with a child. The court assessed punishment in the aggravated sexual assault counts at confinement for fifty years in prison, and assessed punishment at twenty years in prison in the remaining counts.

Appellant's appointed counsel filed a motion to withdraw from representation of appellant along with a supporting brief in each case in which he concludes that each appeal is

wholly frivolous and without merit. The briefs meet the requirements of *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See High v. State*, 573 S.W.2d 807 (Tex. Crim. App. 1978).

Copies of counsel's briefs were delivered to appellant. Appellant was advised of the right to examine the appellate records and to file a *pro se* response. As of this date, no *pro se* response has been filed in either case.

We have carefully reviewed the records and counsel's briefs and agree that the appeals are wholly frivolous and without merit. Further, we find no reversible error in the records. A discussion of the briefs would add nothing to the jurisprudence of the State.

Our review of the record in 14-00-00785-CR reveals a clerical error in the judgment of trial cause number 10671-Count I. Appellant was charged in cause number 10671 with a three-count indictment. Prior to submission of the cause to the jury, the first count was apparently abandoned by the State. Although the case was submitted to the jury on only the second and third counts of the indictment, and the jury rendered a guilty verdict in counts II and III, the judgments mistakenly reflect a jury verdict in counts I and II. When the judgment is contrary to the verdict, and the court of appeals has the necessary data before it for reformation, the reviewing court has authority to reform and correct an erroneous judgment to reflect the true finding of the fact finder. *See Berg v. State*, 747 S.W.2d 800, 803 (Tex. Crim. App. 1984); *Bigley v. State*, 865 S.W.2d 26, 27 (Tex. Crim. App. 1993). When trial is by jury, the written verdict provides the basis for reforming an erroneous recitation in the judgment and sentence. *See Milczanowski v. State*, 645 S.W.2d 445, 447 (Tex. Crim. App. 1983).

We modify the judgment mislabeled 10671-Count I to reflect the jury's verdict by striking all references to Count I-Sexual Assault in the judgment and substituting Count III-Indecency with a Child in lieu thereof.

Accordingly, in cause number 10670, the judgments of the trial court in Counts I, II, III, and IV, are affirmed. In cause number 10671-Count II, the judgment of the trial court is affirmed. The judgment in cause number 10671-Count I, now modified as Count III, is affirmed. In each case, the motion to withdraw is granted.

PER CURIAM

Judgment rendered and Opinion filed April 12, 2001.
Panel consists of Justices Edelman, Frost and Senior Chief Justice Murphy.[1]
Do Not Publish — TEX. R. APP. P. 47.3(b).

[1] Senior Chief Justice Paul C. Murphy sitting by assignment.