



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-19-00414-CR

TREVOR LANCE STOCKSTILL, APPELLANT

V.

STATE OF TEXAS, APPELLEE

On Appeal from the 47th District Court of
Randall County, Texas
Trial Court No. 29,253-A, Honorable John B. Board, Presiding

July 13, 2020

MEMORANDUM OPINION

Before QUINN, C.J., and PIRTLE and PARKER, JJ.

Trevor Lance Stockstill, appellant, appeals from judgments adjudicating him guilty of ten counts of possession of child pornography and assessing ten years' imprisonment for each count to run consecutively. Appellant timely appealed and was appointed counsel.

Appointed counsel filed a motion to withdraw and an *Anders*¹ brief in the cause. Through those documents, counsel certified that, after diligently searching the record, the appeal was without merit. Accompanying the brief and motion is a copy of a letter informing appellant of counsel's belief that there was no reversible error and of appellant's right to file a response, *pro se*. So too did the letter indicate that a copy of the appellate record was provided to appellant. By letter dated June 2, 2020, this Court also notified appellant of his right to file his own response by July 2, 2020. To date, no response has been filed.

In compliance with the principles enunciated in *Anders*, appellate counsel discussed potential areas for appeal, some included the original plea hearing, the motion to proceed and the hearing on same, punishment, and ineffective assistance. Counsel, then, explained why all the issues lacked merit. We also point out that appellant pled true to three of the four allegations found in the State's Motion to Proceed. The first allegation was waived by the State. A plea of true, alone, is sufficient to support revocation. See *Avila v. State*, No. 07-18-00136-CR, 2018 Tex. App. LEXIS 6531, at *2 (Tex. App.—Amarillo Aug. 17, 2018, no pet.) (mem. op., not designated for publication).

In addition, we conducted our own review of the record to assess the accuracy of counsel's conclusion and to uncover any arguable error pursuant to *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008), and *Stafford v. State*, 813 S.W.2d 503 (Tex. Crim. App. 1991) (en banc). No such arguable error was uncovered.

¹ See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

Reformation of Judgment

Appellate counsel has pointed out that there is a clerical error in the ten judgments. The first page of the judgments correctly represents that appellant pled true to allegations 2, 3, and 4 in the State's motion to proceed but not to the first allegation. Furthermore, the State waived the first allegation. This particular statement comports with the record and trial court's oral pronouncement. However, on page 2 of the judgments the following recital appears: "While on deferred adjudication community supervision, Defendant violated the terms and conditions of community supervision as set out in the State's Original Motion to Adjudicate Guilt as follows: PARAGRAPHS 1-4." The latter statement, therefore, inaccurately reflects the facts.

An appellate court has the power to modify the trial court judgment to make it speak the truth when it has the necessary information to do so. See TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993). Indeed, appellate courts have the power to reform whatever the trial court could have corrected by a judgment *nunc pro tunc* where the evidence necessary to correct the judgment appears in the record. *Asberry v. State*, 813 S.W.2d 526, 529 (Tex. App.—Dallas 1991, pet. ref'd). Thus, we modify the portion of the trial court's Nunc Pro Tunc Judgments Adjudicating Guilt, Counts I through IX and the Second Nunc Pro Tunc Judgment Adjudicating Guilt, Count X to reflect "(5) While on deferred adjudication community supervision, Defendant violated the terms and conditions of community supervision as set out in the State's Original Motion to Adjudicate Guilt as follows: PARAGRAPHS 2-4."

As modified, the trial court's Nunc Pro Tunc Judgments Adjudicating Guilt, Counts I through IX and Second Nunc Pro Tunc Judgment Adjudicating Guilt, Count X are affirmed. Counsel's motion to withdraw also is granted.²

Brian Quinn
Chief Justice

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² Appellant has the right to file a petition for discretionary review with the Texas Court of Criminal Appeals.