



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-20-00009-CR

RAMSEY AARON BROWN, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 115th District Court
Upshur County, Texas
Trial Court No. 18168

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Justice Stevens

MEMORANDUM OPINION

Ramsey Aaron Brown, pursuant to a plea agreement, pled guilty to harassment of a public servant¹ and was placed on deferred adjudication community supervision for a period of three years. The next year, the State moved to revoke Brown's community supervision and to proceed to an adjudication of his guilt, alleging several distinct violations of Brown's community supervision. Brown pled true to many of the State's allegations and, after an evidentiary hearing, the trial court granted the State's motion. As a result, the trial court sentenced Brown to ten years' imprisonment. Brown appeals.

Brown's attorney on appeal has filed a brief stating that he has reviewed the record and has found no genuinely arguable issues that could be raised. The brief sets out the procedural history of the case and summarizes the evidence elicited during the trial proceedings. Meeting the requirements of *Anders v. California*, counsel has provided a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *Anders v. California*, 386 U.S. 738, 743–44 (1967); *In re Schulman*, 252 S.W.3d 403, 406 (Tex. Crim. App. 2008) (orig. proceeding); *Stafford v. State*, 813 S.W.2d 503, 509–10 (Tex. Crim. App. 1991); *High v. State*, 573 S.W.2d 807, 812–13 (Tex. Crim. App. [Panel Op.] 1978). Counsel also filed a motion with this Court seeking to withdraw as counsel in this appeal.

On March 17, 2020, counsel mailed to Brown a copy of the brief, the appellate record, and the motion to withdraw. Brown was informed of his right to review the record and file a pro se response. By letter dated March 18, this Court informed Brown that any pro se response was due

¹TEX. PENAL CODE ANN. § 22.11.

on or before April 17. On April 28, this Court also informed Brown that the case would be set for submission on the briefs on May 19. We received neither a pro se response from Brown nor a motion requesting an extension of time in which to file such a response.

We have independently reviewed the entire appellate record and, like counsel, have found no reversible error. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005). Even so, in *Anders* cases, appellate courts “have the authority to reform judgments and affirm as modified in cases where there is non reversible error.” *Ferguson v. State*, 435 S.W.3d 291, 294 (Tex. App.—Waco 2014, pet. struck) (comprehensively discussing appellate cases that have modified judgments in *Anders* cases).

Here, under the heading “Terms of Plea Bargain,” the trial court’s judgment contains the phrase “TEN (10) YEARS CONFINED IN THE INSTITUTIONAL DIVISION, TEXAS DEPARTMENT OF CRIMINAL JUSTICE.” Brown did not enter into any agreement when pleading true to the State’s revocation motion. As a result, the judgment must be modified.

We modify the trial court’s judgment by deleting the phrase “TEN (10) YEARS CONFINED IN THE INSTITUTIONAL DIVISION, TEXAS DEPARTMENT OF CRIMINAL JUSTICE” under the “Terms of Plea Bargain” section. As modified, we affirm the judgment of the trial court.²

Scott E. Stevens
Justice

Date Submitted: May 19, 2020
Date Decided: June 15, 2020

Do Not Publish

²Since we agree that this case presents no reversible error, we also, in accordance with *Anders*, grant counsel’s request to withdraw from further representation of appellant in this case. *See Anders*, 386 U.S. at 744. No substitute counsel will be appointed. Should appellant desire to seek further review of this case by the Texas Court of Criminal Appeals, appellant must either retain an attorney to file a petition for discretionary review or file a pro se petition for discretionary review. Any petition for discretionary review (1) must be filed within thirty days from either the date of this opinion or the date on which the last timely motion for rehearing was overruled by this Court, *see* TEX. R. APP. P. 68.2, (2) must be filed with the clerk of the Texas Court of Criminal Appeals, *see* TEX. R. APP. P. 68.3, and (3) should comply with the requirements of Rule 68.4 of the Texas Rules of Appellate Procedure, *see* TEX. R. APP. P. 68.4.