



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

No. 06-19-00180-CR

REGINALD PEOPLES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 5th District Court
Bowie County, Texas
Trial Court No. 18F1144-005

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

MEMORANDUM OPINION

Reginald Peoples entered an open plea of guilty to aggravated robbery, a first-degree felony. *See* TEX. PENAL CODE ANN. § 29.03. In trial to a Bowie County jury on the issue of punishment, Peoples pled true to the State’s punishment enhancement allegation and was sentenced to forty years’ imprisonment. Peoples appeals.

Peoples’s attorney has filed a brief stating that he has reviewed the record and has found no genuinely arguable issues that could be raised on appeal. The brief sets out the procedural history of the case and summarizes the evidence elicited during the course of 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 January 7, counsel mailed to Peoples a copy of the brief, the appellate record, and the motion to withdraw. Peoples was informed of his right to review the record and file a pro se response. Peoples filed a pro se response arguing that (1) the State violated his right to due process by failing to provide timely notice of its intent to introduce testimony during punishment of “extraneous offenses that Appellant was never charged with” and (2) the trial court erred in allowing “testimony of several witnesses of an uncharged offense” during punishment.

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, Peoples pled true to the State’s punishment enhancement allegation, and the jury was instructed to find the allegation true. However, the trial court’s judgment incorrectly omits the punishment enhancement found true by the jury. Therefore, we modify the judgment of the trial court to show that Peoples pled true to the State’s punishment enhancement allegation and that the jury found the enhancement to be true. As modified, we affirm the trial court’s judgment.¹

Ralph K. Burgess
Justice

Date Submitted: April 23, 2020
Date Decided: June 17, 2020

Do Not Publish

¹Since 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.