

**AFFIRMED as MODIFIED and Opinion Filed May 26, 2020**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-19-00211-CR**

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**MICHAEL DWAYNE NEWMAN, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 3  
Dallas County, Texas  
Trial Court Cause No. F-1162630-J**

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**MEMORANDUM OPINION**

**Before Justices Whitehill, Osborne, and Carlyle  
Opinion by Justice Whitehill**

Appellant was convicted of deadly conduct and sentenced to five years in prison, but his sentence was suspended and he was placed on community supervision for five years.

The State subsequently filed a motion to revoke probation, and then amended that motion. The trial court found that appellant violated one of his probation conditions and sentenced appellant to five years in prison.

In a single issue, appellant argues that the judgment should be modified to reflect that he pled “not true” to the revocation allegations. The State agrees that the judgment should be modified.

The judgment reflects that appellant pled “True” to the revocation allegations. But the record shows that appellant pled “Not True.” Specifically, appellant’s trial counsel stated, “We understand the allegations. We’ll waive the reading of the allegations against him and enter a plea of not true to both allegations, your Honor.”

We are authorized to reform a judgment to make the record speak the truth when we have the necessary information to do so. *Bigley v. State*, 865 S.W.2d 26, 27 (Tex. Crim. App. 1993).

Here, the record reflects that appellant pled not true to the revocation allegations. We therefore sustain appellant’s sole issue and modify the judgment accordingly. As modified, the judgment is affirmed.

/Bill Whitehill/  
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BILL WHITEHILL  
JUSTICE

Do Not Publish  
TEX. R. APP. P. 47.2(b)  
190211F.U05



**Court of Appeals  
Fifth District of Texas at Dallas**

JUDGMENT

MICHAEL DWAYNE NEWMAN,  
Appellant

No. 05-19-00211-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District  
Court No. 3, Dallas County, Texas  
Trial Court Cause No. F-1162630-J.  
Opinion delivered by Justice  
Whitehill. Justices Osborne and  
Carlyle participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** to reflect that Appellant pled "not true" to the enhancement allegations.

As **REFORMED**, the judgment is **AFFIRMED**.

Judgment entered May 26, 2020