

**AFFIRM AS MODIFIED and Opinion Filed May 29, 2020**



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

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**No. 05-19-00660-CR**

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**BRODERICK GAINES, Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the 363rd Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. F-1731787-W**

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**MEMORANDUM OPINION**

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

Appellant pled no contest to sexual assault of a child. After a bench trial, the trial court found him guilty and sentenced him to twelve years in prison.

Appellant's counsel has filed a motion to withdraw. The motion is supported by a brief that professionally and conscientiously examines the record and applicable law and concludes that this appeal is frivolous and without merit. Counsel provided appellant with a copy of the brief, the appellate record, and the motion to withdraw.

The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967). It presents a professional evaluation of the record showing why, in effect, there are no arguable grounds to advance. *See High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978) (determining whether brief meets *Anders* requirements).

We advised appellant of his right to file a pro se response. *See Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014) (noting appellant’s right to respond to *Anders* brief). He has not filed a response.

We have also reviewed the record and counsel’s brief. *See Bledsoe v. State*, 178 S.W.3d 824, 826–27 (Tex. Crim. App. 2005) (explaining appellate court’s duty in *Anders* cases). Finding nothing in the record that might arguably support the appeal, we agree with counsel that the appeal is frivolous and without merit.

We do, however, find two errors in the judgment requiring correction.

First, the judgment states that the “Statute for Offense” was “22.01(A)(2) Penal Code,” but the correct reference is § 22.011(a)(2) of the Penal Code.

Second, the judgment states that appellant pled guilty, but he actually pled no contest.

Accordingly, we sua sponte modify the judgment to correct these errors. *See* TEX. R. APP. P. 43.2(b); *Asberry v. State*, 813 S.W.2d 526, 529–30 (Tex. App.—Dallas 1991, pet. ref’d).

We grant counsel's motion to withdraw and affirm the trial court's judgment as modified.

/Bill Whitehill/  
BILL WHITEHILL  
JUSTICE

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TEX. R. APP. P. 47.2(b)  
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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

BRODERICK GAINES, Appellant

No. 05-19-00660-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the 363rd Judicial  
District Court, Dallas County, Texas  
Trial Court Cause No. F-1731787-W.  
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** as follows:

The "Statute of Offense" is modified to show "22.011(a)(2)  
Penal Code."

The "Plea to Offense" is modified to show "No contest."

We **AFFIRM** the trial court's judgment as modified.

Judgment entered May 29, 2020