

Affirmed as Modified; Opinion Filed June 16, 2020



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

No. 05-19-00957-CR

**KEDRIC DEJUAN ROGERS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 195th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F17-70756-N**

MEMORANDUM OPINION

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

Appellant Kedric Dejuan Rogers pleaded guilty to aggravated assault with a deadly weapon. Pursuant to a plea bargain agreement, the trial court deferred adjudication, placed Mr. Rogers on community supervision for five years, and assessed a \$2,000.00 fine.

A year later, the State filed a motion to adjudicate Mr. Rogers's guilt, alleging he violated several terms and conditions of his community supervision. Mr. Rogers pleaded not true to the allegations in the motion to adjudicate. After a hearing, the trial court found Mr. Rogers violated his community supervision terms and

conditions, adjudicated him guilty, and sentenced him to twenty-five years' imprisonment. Mr. Rogers filed a timely notice of appeal.

Mr. Rogers's appointed counsel on appeal has filed a brief stating that the record presents no reversible error and the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738 (1967). Counsel's brief meets the *Anders* requirements by presenting a professional evaluation of the record showing why there are no arguable grounds to advance. *Id.* at 744; *see also High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978).

Mr. Rogers was provided a copy of the brief and, by letter dated January 2, 2020, we advised him 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 has right to file pro se response to *Anders* brief filed by counsel). Mr. Rogers responded but presents no arguable grounds to advance.

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

Although not an arguable issue, we note that the judgment contains a clerical error. The judgment states Mr. Rogers pleaded "true" to the motion to adjudicate, but the record reflects he pleaded "not true" to that motion. Accordingly, we modify

the trial court’s judgment to show that the “Plea to Motion to Adjudicate” was “not true.” See TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27–28 (Tex. Crim. App. 1993) (appellate court has authority to modify judgment to correct clerical errors).

We affirm the trial court’s judgment as modified.

/Cory L. Carlyle/
CORY L. CARLYLE
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

KEDRIC DEJUAN ROGERS,
Appellant

No. 05-19-00957-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 195th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F17-70756-N.
Opinion delivered by Justice Carlyle.
Justices Whitehill and Osborne
participating.

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** to state appellant pleaded "not true" to the motion to adjudicate.

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

Judgment entered this 16th day of June, 2020.