

**AFFIRMED as MODIFIED and Opinion Filed June 29, 2020**



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

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**No. 05-19-01037-CR**

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**CHARLES WILLIAM GATEWOOD A/K/A WILLIAM CHARLES  
GATEWOOD III, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 1  
Dallas County, Texas  
Trial Court Cause No. F16-16555-H**

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**MEMORANDUM OPINION**

Before Justices Bridges, Pedersen, III, and Evans  
Opinion by Justice Evans

In a single issue, William Charles Gatewood III contends the judgment should be reformed to reflect that he was not sentenced in accordance with a plea bargain agreement. In a cross-issue, the State requests that the judgment be modified to reflect appellant's correct name. We modify the trial court's judgment as requested by appellant and the State and affirm the judgment as modified.

**BACKGROUND**

Appellant was indicted for aggravated robbery. In June 2017, Appellant pled guilty to aggravated robbery before the trial court pursuant to a plea agreement.

Appellant also pled true to an enhancement paragraph. The trial court accepted the plea, deferred adjudication, and placed appellant on community supervision for a period of ten years. In May 2019, the State filed a motion to proceed with adjudication. Pursuant to a plea agreement in August 2019, appellant entered an open plea of true to the State's motion. The trial court adjudicated appellant guilty and sentenced him to five years' imprisonment. Appellant then filed this appeal.

## ANALYSIS

### A. Appellant's Modification of Judgment

In his sole issue, appellant requests that this Court reform the judgment because it incorrectly states that appellant's sentence was pursuant to a plea agreement. The judgment reflects the "Terms of Plea Bargain" as "5 YEARS TDCJ." Here, however, appellant entered an open plea of true to the motion to adjudicate. In cases such as these, where the necessary data and information is available, we have the authority to modify the incorrect judgment. *See* TEX. R. APP. P. 43.2(b); *Estrada v. State*, 334 S.W.3d 57, 63 (Tex. App.—Dallas 2009, no pet.) ("This Court has the power to modify an incorrect 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, 27–28 (Tex. Crim. App. 1993). The State agrees that this Court should modify the judgment. Accordingly, we sustain appellant's issue and modify the judgment by striking "5 YEARS TDCJ" under Terms of Plea Bargain and replacing it with "OPEN."

## **B. State's Cross-Issue**

In a cross-issue, the State requests that this Court reform the judgment to reflect the appellant's correct name. The Order of Deferred Adjudication entered on June 19, 2017 reflects appellant's name as "William Charles Gatewood." On August 15, 2019, the trial court entered an Order Changing Name of Defendant to "William Charles Gatewood III." The Judgment Adjudicating Guilt entered on August 21, 2019, however, shows appellant's name as "Gatewood, Charles William." We have the authority to modify the incorrect judgment where the necessary data and information is available. *See* TEX. R. APP. P. 43.2(b); *Garcia v. State*, No. 05-17-00584-CR, 2017 WL 6616385 (Tex. App.—Dallas Dec. 28, 2017, no pet.) (not designated for publication) (modifying judgment to reflect defendant's correct name). Accordingly, we sustain the State's cross-issue and modify the judgment to reflect appellant's name as "Gatewood, William Charles III."

## **CONCLUSION**

Based on the foregoing, we reform the trial court's judgment to reflect that appellant was not sentenced in accordance with a plea bargain agreement and to correct appellant's name.

As modified, we affirm the trial court's judgment.

/David Evans/

DAVID EVANS

JUSTICE

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

**JUDGMENT**

CHARLES WILLIAM  
GATEWOOD A/K/A WILLIAM  
CHARLES GATEWOOD III,  
Appellant

No. 05-19-01037-CR      V.

On Appeal from the Criminal District  
Court No. 1, Dallas County, Texas  
Trial Court Cause No. F16-16555-H.  
Opinion delivered by Justice Evans.  
Justices Bridges and Pedersen, III  
participating.

THE STATE OF TEXAS, Appellee

Based on the Court's opinion of this date, the judgment of the trial court is **MODIFIED** as follows:

The defendant's name is modified from "Gatewood, Charles William" to "Gatewood, William Charles III." The "5 YEARS TDCJ" under Terms of Plea Bargain is modified to "OPEN."

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

Judgment entered June 29, 2020.