



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

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No. 06-16-00123-CR

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THOMAS EARL NARD, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 5th District Court  
Cass County, Texas  
Trial Court No. 2015-F-00295

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

## MEMORANDUM OPINION

Thomas Earl Nard appeals his conviction for deadly conduct. In one trial, Nard faced two indictments. One charged deadly conduct (addressed in this appeal), and the other charged aggravated assault with a deadly weapon.<sup>1</sup> A Cass County jury convicted Nard on both charges.

Nard's appeal of the deadly conduct conviction claims fundamental error where the clerk's record does not include the master jury venire lists or the lists with each party's peremptory strikes and insufficient evidence to prove Nard is the person convicted in prior judgments offered to enhance the range of punishment.

These same points are raised in Nard's appeal of his aggravated assault conviction. We address those claims in our opinion in that case; our reasoning and conclusions there are dispositive of Nard's allegations of error in the instant appeal. For the reasons explained in our opinion in cause number 06-16-00124-CR, we overrule Nard's points of error in this case.

We affirm the trial court's judgment and sentence.

Bailey C. Moseley  
Justice

Date Submitted: March 2, 2017  
Date Decided: May 19, 2017

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<sup>1</sup>We address the appeal of the aggravated assault conviction in our opinion in cause number 06-16-00124-CR, issued on even date herewith.