



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

No. 06-23-00198-CR

JOSHUA ELLIS SUTTON, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 102nd District Court
Bowie County, Texas
Trial Court No. 23F0051-102

Before Stevens, C.J., van Cleef and Rambin, JJ.
Memorandum Opinion by Chief Justice Stevens

MEMORANDUM OPINION

A Bowie County jury found Joshua Ellis Sutton guilty of escape from custody. *See* TEX. PENAL CODE ANN. § 38.06(c). The jury assessed Sutton's punishment at ten years' imprisonment with a fine of \$2,000.00. The trial court accepted the jury's assessment and sentenced Sutton in accordance with it.

On appeal,¹ Sutton raises four points of error: (1) the judgment improperly states he pled not guilty, (2) his guilty plea was involuntary because the trial court failed to give Article 26.13(a)(1) admonishments, (3) the 102nd Judicial District Court did not have jurisdiction because his indictment was out of the 202nd Judicial District Court, and (4) his trial counsel was ineffective for failing to move to quash his indictment for lack of jurisdiction. We addressed these issues in Sutton's companion case in cause number 06-23-00197-CR. For the reasons stated therein, we affirm Sutton's conviction in this cause. Because Sutton pled guilty to this offense,² we note that the judgment in this case should be modified and corrected by changing

¹In companion cause numbers 06-23-00197-CR, 06-23-00199-CR, 06-23-00200-CR, 06-23-00201-CR, and 06-23-00202-CR, Sutton appeals five other convictions arising from the same set of facts at issue here.

²The relevant exchange was as follows:

[BY THE STATE]: Cause Number 23M0051-102 the grand jury of Bowie County, Texas, duly organized at the January term 2023 of the District Court of Bowie County, Texas, do present in the County of Bowie and State of Texas that in Bowie County, Texas, Joshua Sutton, hereinafter referred to as the defendant, heretofore on or about January 9th, 2023, did then and there while under arrest for aggravated assault with a deadly weapon, a felony, intentionally escaped from Kody Edwards, a person the defendant knew was a peace officer, who had lawfully arrested or detained the defendant against the peace and dignity of the State.

THE COURT: All right. Mr. Sutton, do you understand that indictment?

MR. SUTTON: Yes, sir.

“Plea to Offense: NOT GUILTY” to “Plea to Offense: GUILTY.” As modified, we affirm the trial court’s judgment.

Scott E. Stevens
Chief Justice

Date Submitted: April 5, 2024
Date Decided: April 19, 2024

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THE COURT: And how do you intend to plead?

MR. SUTTON: Guilty.