



**IN THE
TENTH COURT OF APPEALS**

No. 10-20-00082-CR

CHRISTOPHER E. HARRIS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 278th District Court
Leon County, Texas
Trial Court No. CM-11-00163**

MEMORANDUM OPINION

Christopher Harris filed a notice of appeal in this Court on February 28, 2020. The notice of appeal indicates Harris is appealing from the trial court's Judgment Nunc Pro Tunc entered on January 14, 2020. In the notice of appeal, however, Harris complains about his conviction from January 6, 2012. On July 30, 2020, this Court notified Harris that the appeal was subject to dismissal because it appeared we may not have jurisdiction to consider the appeal. Harris was instructed to file a response within 21 days from the

date of the letter showing grounds for continuing the appeal or the appeal would be dismissed.

In the July 30, 2020 letter, this Court noted that any complaint about the January 6, 2012 conviction is untimely. *See* TEX. R. APP. P. 26.2 (a). Harris filed a response on August 21, 2020. In the response, Harris states that he does not challenge his January 6, 2012 conviction, but he seeks a new sentencing. Harris's complaint is untimely. *See* TEX. R. APP. P. 26.2 (a).

This Court further noted in the July 30, 2020 letter that any complaint about the trial court's Judgment Nunc Pro Tunc appears to be moot. Harris sought a Judgment Nunc Pro Tunc to reform the judgment to reflect he entered an open plea of guilty rather than pursuant to a plea bargain agreement. The trial court's order on Judgment Nunc Pro Tunc reforms the judgment to reflect that Harris entered an open plea of guilty and punishment was assessed by the trial court. In his response, Harris contends that the Judgment Nunc Pro Tunc does not address his requested instruction that the judgment reflect "Terms of Plea Bargain N/A." The State's motion to enter Judgment Nunc Pro Tunc noted that the judgment incorrectly stated that there were terms of a plea bargain agreement and requested that the judgment be reformed. The Judgment Nunc Pro Tunc reformed the judgment to reflect "It was an Open Plea to the Court and should read sentence by court and punishment assessed by: Kenneth Keeling." Therefore, although

the Judgment Nunc Pro Tunc was ordered by granting the State's requested motion,
Harris got the relief he requested.

Accordingly, this appeal is dismissed.

JOHN E. NEILL
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill

Dismissed

Opinion delivered and filed September 2, 2020

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[CR25]

