

AFFIRM; Opinion issued March 6, 2013



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

No. 05-12-00516-CR

KASEY KYLE CARROLL, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 401st Judicial District Court
Collin County, Texas
Trial Court Cause No. 401-80869-06**

MEMORANDUM OPINION

Before Justices Bridges, FitzGerald, and Myers
Opinion by Justice FitzGerald

Kasey Kyle Carroll waived a jury and pleaded guilty to robbery. *See* TEX. PENAL CODE ANN. § 29.02(a) (West 2011). The trial court assessed punishment at three years' imprisonment, probated for three years, and a \$500 fine. The trial court later revoked appellant's community supervision and assessed punishment at two years' imprisonment. The background of the case and the evidence admitted at trial are well known to the parties, and we therefore limit recitation of the facts. We issue this memorandum opinion pursuant to Texas Rule of Appellate Procedure 47.4 because the law to be applied in the case is well settled.

In a single issue, appellant contends he is entitled to additional back-time credit from December 27, 2005, the date of his initial arrest for the offense, to December 28, 2005, the date he bonded out of jail, and from January 12, 2012, the date he was arrested on a probation violation, to April 3, 2012, the date the trial court revoked his community supervision and imposed sentence. The State responds that the trial court's nunc pro tunc judgment properly reflects appellant's back-time credit. We agree with the State.

The record shows that on November 29, 2012, the State and appellant filed a joint motion for a nunc pro tunc judgment to add back-time credit for time appellant served in jail not reflected in the original judgment. On November 30, 2012, the trial court granted the motion and issued a nunc pro tunc judgment that included back-time credit for December 27, 2005 to December 28, 2005 and for January 12, 2012 to April 3, 2012. Thus, the issue is moot. We overrule appellant's sole issue.

We affirm the trial court's nunc pro tunc judgment revoking community supervision.

/Kerry P. FitzGerald/
KERRY P. FITZGERALD
JUSTICE

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

JUDGMENT

KASEY KYLE CARROLL, Appellant

No. 05-12-00516-CR V.

THE STATE OF TEXAS, Appellee

Appeal from the 401st Judicial District
Court of Collin County, Texas (Tr.Ct.No.
401-80869-06).

Opinion delivered by Justice FitzGerald,
Justices Bridges and Myers participating.

Based on the Court's opinion of this date, the trial court's November 30, 2012 nunc pro tunc judgment is **AFFIRMED**.

Judgment entered March 6, 2013.

/Kerry P. FitzGerald/

KERRY P. FITZGERALD

JUSTICE