

Affirmed; Opinion Filed May 22, 2018.



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

No. 05-17-01067-CR

**TYRANT GREEN, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 203rd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F-12-51327-P**

MEMORANDUM OPINION

Before Justices Lang, Myers, and Stoddart
Opinion by Justice Lang

Appellant Tyrant Green pleaded guilty to arson and was placed on eight years' deferred adjudication community supervision. Subsequently, the State filed a motion to proceed with adjudication of guilt and appellant pleaded true to the allegations in that motion. The trial court adjudged appellant guilty and assessed punishment at fifteen years' imprisonment.

In his sole issue on appeal, appellant contends the trial court's judgment fails to credit him with the correct amount of "back-time." We decide appellant's issue against him. The trial court's judgment is affirmed.

I. FACTUAL AND PROCEDURAL CONTEXT

During the hearing on the State's motion to proceed with adjudication, the trial court assessed punishment as described above and stated in part, "You will receive back time credit for

every day you've been in jail since your initial day of arrest that you're eligible." On page "1 of 4" of the trial court's judgment in question, a section labeled "Time Credited" lists the following time periods: "From 1/18/2012 to 10/26/2012," "From 8/13/2013 to 8/30/2013," "From 11/4/2014 to 12/5/2014," "From 12/6/2014 to 3/3/2015," "From 3/4/2015 to 12/16/2015," and "From 8/4/2016 to 8/18/2016." Additionally, page "2 of 4" of the judgment states in part, "Furthermore, the following special findings or orders apply: add backtime: 081916-111616; 111716-042017; 051817-071117."

II. APPELLANT'S BACK-TIME CREDIT

In criminal cases, a trial judge shall give credit on a defendant's sentence for the time the defendant has spent in jail on said cause, other than as a condition of community supervision, from the time of arrest and confinement until sentenced by the trial court. *See* TEX. CODE CRIM. PROC. ANN. art. 42.03, § 2(a) (West Supp. 2017). When the judgment does not accurately reflect the back-time credit to which an appellant is entitled, we have the power to modify the judgment when we have the necessary information to do so. *See* TEX. R. APP. P. 43.2(b); *Bigley v. State*, 865 S.W.2d 26, 27-28 (Tex. Crim. App. 1993); *Asberry v. State*, 813 S.W.2d 526, 529-30 (Tex. App.—Dallas 1991, pet. ref'd).

Appellant contends that although he was confined for the time period of May 18, 2017, to July 11, 2017, "the judgment does not reflect that this time was credited to his sentence." The State asserts that the second page of the trial court's judgment "orders credit for Appellant's time in custody from May 18, 2017 through July 11, 2017" and thus "there is no need to amend the judgment and Appellant's request should be overruled."

As described above, the record shows the judgment orders back-time credit for specific time periods that include "051817-071117." Therefore, we conclude modification of the judgment is not warranted in this case. *See Cox v. State*, No. 05-02-00506-CR, 2003 WL 21518523, at *2

(Tex. App.—Dallas July 7, 2003, pet. ref'd) (mem. op., not designated for publication) (where record showed trial court's judgment credited appellant for back-time, appellant's argument on appeal that he was entitled to such presented no arguable point of error); *see also Givens v. State*, No. 05-00-00262-CR, 2001 WL 185512, at *1 (Tex. App.—Dallas Feb, 27, 2001, no pet.) (mem. op., not designated for publication) (concluding time period described in judgment as "011100-" granted appellant back-time for period from January 11, 2000, until date sentence was pronounced).

We decide against appellant on his issue.

III. CONCLUSION

We decide appellant's sole issue against him. The trial court's judgment is affirmed.

/Douglas S. Lang/
DOUGLAS S. LANG
JUSTICE

Do Not Publish
TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TYRANT GREEN, Appellant

No. 05-17-01067-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 203rd Judicial District
Court, Dallas County, Texas

Trial Court Cause No. F-12-51327-P.

Opinion delivered by Justice Lang, Justices
Myers and Stoddart participating.

Based on the Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

Judgment entered this 22nd day of May, 2018.