

Dismissed; Opinion Filed January 12, 2018.



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01456-CR

JOHNNY TATUM, JR., Appellant
V.
THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court No. 3
Dallas County, Texas
Trial Court Cause No. F93-54657-IJ

MEMORANDUM OPINION

Before Justices Lang-Miers, Fillmore, and Stoddart
Opinion by Justice Stoddart

On January 4, 1993, Johnny Tatum, Jr. was convicted of possession with intent to deliver cocaine and sentenced to twenty-five years. On December 15, 2017, appellant filed a “Motion to Enter Nunc Pro Tunc Order” with this Court. In the motion, appellant states his judgment and sentence in the trial court did not reflect “the proper and accurate credits on his sentence” and asks us to issue a judgment nunc pro tunc. We dismiss this appeal for want of jurisdiction.

The purpose of a nunc pro tunc judgment is to provide a method for the trial court to correct the record “when there is a discrepancy between the judgment as pronounced in court and the judgment reflected in the record.” *Blanton v. State*, 369 S.W.3d 894, 897 (Tex. Crim. App. 2012); *Alvarez v. State*, 605 S.W.2d 615, 617 (Tex. Crim. App. [Panel Op.] 1980) (purpose of

nunc pro tunc order is to correctly reflect judgment trial court actually made but which for some reason did not enter of record at proper time).

Appellant seeks a nunc pro tunc of the trial court's judgment. We do not have authority to issue a nunc pro tunc judgment of the trial court's judgment; only the court that rendered the original judgment may issue a nunc pro tunc judgment. *See Alvarez*, 605 S.W.2d at 617.

We dismiss this appeal for want of jurisdiction.

/Craig Stoddart/
CRAIG STODDART
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

JOHNNY TATUM, JR., Appellant

No. 05-17-01456-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 3, Dallas County, Texas

Trial Court Cause No. F93-54657.

Opinion delivered by Justice Stoddart,
Justices Lang-Miers and Fillmore
participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal for want of jurisdiction.

Judgment entered this 12th day of January, 2018.