

NO. 07-02-0525-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL E
JULY 25, 2003

JAMES ORION BYWATER,
Appellant

v.

THE STATE OF TEXAS,
Appellee

FROM THE 181ST DISTRICT COURT OF POTTER COUNTY;
NO. 43,459-B; HON. JOHN B. BOARD, PRESIDING

Memorandum Opinion

Before JOHNSON, C.J., QUINN, J., and BOYD, S.J.¹

James Orion Bywater (appellant) appeals from a judgment convicting him of the unauthorized use of a motor vehicle. Via a single issue, appellant contends that the trial court erred by entering a cumulation order stacking his sentences for this offense with another levied in a cause styled *State v. Bywater*, No. 43,460-B. However, nothing in the judgment signed by the trial court states that the sentence levied in this cause was or is to

¹ John T. Boyd, Chief Justice (Ret.), Seventh Court of Appeals, sitting by assignment. Tex. Gov't Code Ann. §75.002(a)(1) (Vernon Supp. 2003).

run consecutively to, cumulative to, or in any way after the sentence levied in Cause No. 43,460-B.² Nor does any other document in the appellate record so indicate. Thus, we cannot say that the trial court ordered that the sentence assessed in this cause was to be cumulative to (*i.e.* begin to run after) any other sentence and overrule appellant's issue.

Accordingly, the judgment is affirmed.

Brian Quinn
Justice

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²Rather, the record indicates that the sentence in Cause No. 43,460-B was to be cumulative to the sentence in Cause No. 43,459-B, not vice-versa.