

NO. 07-09-0064-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL B
JANUARY 12, 2010

GUSTAVO MENDOZA GALLARDO,

Appellant

v.

THE STATE OF TEXAS,

Appellee

FROM THE 64TH DISTRICT COURT OF HALE COUNTY;
NO. A17752-0808; HON. ROBERT W. KINKAID, JR., PRESIDING

Memorandum Opinion

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Gustavo Mendoza Gallardo (appellant) appeals his felony conviction for driving while intoxicated (DWI). His sole issue involves the sufficiency of the evidence establishing guilt. That is, he contends that the State failed to prove one of the prior DWI convictions it alleged for purposes of enhancement. It so failed to prove the conviction, according to appellant, because the copy of the judgment manifesting the conviction was unsigned. This argument was expressly considered and rejected in *Mulder v. State*, 707 S.W.2d 908

(Tex. Crim. App. 1986). There, the court held that the validity of a conviction was not affected by the failure of the trial judge to sign the judgment. *Id.* Thus, the unsigned judgment was sufficient evidence to prove the existence of a prior conviction. *Id.*; *accord*, *Flores v. State*, 139 S.W.3d 61, 65 (Tex. App.—Texarkana 2004, pet. ref'd) (considering and rejecting the same argument).

Accordingly, we overrule the issue and affirm the judgment of the trial court.

Brian Quinn
Chief Justice

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