



IN THE
TENTH COURT OF APPEALS

No. 10-14-00036-CR

JUSTIN RAY ROMO,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 19th District Court
McLennan County, Texas
Trial Court No. 2012-1121-C1

MEMORANDUM OPINION

Appellant Justin Ray Romo pleaded guilty to the offense of evading arrest or detention using a vehicle and pleaded true to an enhancement allegation. A jury thereafter assessed his punishment at four years' imprisonment. In his sole issue, Romo contends that the judgment incorrectly recites that he was convicted of a second-degree felony. The State concedes the error.

The offense of evading arrest or detention using a vehicle is a third-degree felony. *See* TEX. PENAL CODE ANN. § 38.04(b)(2)(A) (West Supp. 2014). The

enhancement allegation does not change this. It merely enhances the punishment range of the offense to that of a second-degree felony without changing the felony degree of the offense itself. *See id.* § 12.42(a), (f) (West Supp. 2014); *Martin v. State*, 405 S.W.3d 944, 949-50 (Tex. App.—Texarkana 2013, no pet.).

Accordingly, we sustain Romo’s sole issue and modify the judgment to reflect conviction of a third-degree felony. We affirm the judgment as modified.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Affirmed as modified
Opinion delivered and filed November 20, 2014
Do not publish
[CR25]

