



**IN THE
TENTH COURT OF APPEALS**

No. 10-20-00083-CR

LEON CORNELIOUS,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 19th District Court
McLennan County, Texas
Trial Court No. 2019-1204-C1**

MEMORANDUM OPINION

Leon Cornelious was convicted of evading arrest or detention with a vehicle and possession of a controlled substance with the intent to deliver and sentenced to 25 and 30 years in prison, respectively. *See* TEX. PENAL CODE § 38.04; TEX. HEALTH & SAFETY CODE § 481.113.

In one issue, Cornelious contends there is insufficient evidence to show he is the person convicted of offenses from another jurisdiction which were used to enhance his sentence. The State concedes error. We have reviewed the record and concur in the

parties' assessment of the record. Specifically, there is insufficient evidence that the Leon Cornelius identified in the out-of-state judgments is the same Leon Cornelius who is the defendant/appellant in this proceeding.

Accordingly, the trial court's judgments are reversed, this proceeding is remanded to the trial court for a new trial on punishment only, and otherwise, the judgments are affirmed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Neill, and
Justice Johnson
Reversed and remanded
Opinion delivered May 5, 2021
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