

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-09-00577-CV

In re Seth Rountree

ORIGINAL PROCEEDING FROM WILLIAMSON COUNTY

MEMORANDUM OPINION

Seth Rountree petitions for a writ of mandamus to compel the district court to enter a judgment nunc pro tunc “to give the defendant credit [for] time spent on Deferred Adjudication and Probation in Constructive Custody” in Williamson County cause number 98-897-K26. When community supervision is revoked, however, “[n]o part of the time that the defendant is on community supervision shall be considered as any part of the time that he shall be sentenced to serve,” with an exception that is not alleged to apply here. Tex. Code Crim. Proc. Ann. art. 42.12, § 23(b) (West Supp. 2008).

The petition for writ of mandamus is denied. *See* Tex. R. App. P. 52.8(a).

Jan P. Patterson, Justice

Before Justices Patterson, Puryear and Pemberton

Filed: October 20, 2009