



**Court of Appeals
Sixth Appellate District of Texas**

JUDGMENT

Orian Lee Scott, Appellant

No. 06-05-00043-CR V.

The State of Texas, Appellee

Appeal from the 6th Judicial District Court of Lamar County, Texas (Tr. Ct. No. 20464). Memorandum Opinion delivered by Justice Carter, Chief Justice Morriss and Justice Ross participating.

BE IT REMEMBERED, that in accordance with the Court's opinion of this date, the Court finds that there was partial error in the judgment below. We reverse and render a judgment of acquittal with respect to the convictions for inducing a sexual performance of a child. Since we have determined there was harm associated with the trial court's error in failing to sever Counts III to which Scott pled guilty and which were subject to mandatory rather than discretionary severance, we reverse and remand the matter for a new trial on Counts II concerning production or promotion of a sexual performance and a new punishment hearing on Counts III to which Scott pled "guilty."

It is further **ORDERED** that costs of appeal be paid fifty percent by appellant and fifty percent by appellee.

RENDERED SEPTEMBER 8, 2005
BY ORDER OF THE COURT
JOSH R. MORRISS, III
CHIEF JUSTICE

ATTEST:
Linda Rogers, Clerk