

United States Court of Appeals for the Fifth Circuit

No. 23-20273
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 31, 2024

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TIMOTHY LEE TYLER,

Defendant—Appellant,

CONSOLIDATED WITH

No. 23-20274

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TIMOTHY L. TYLER,

Defendant—Appellant.

Appeals from the United States District Court
for the Southern District of Texas
USDC Nos. 4:21-CR-17-1, 4:22-CR-408-1

Before SMITH, HIGGINSON, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Timothy Tyler was sentenced to 480 months after pleading guilty of possessing child pornography in 2019 and possessing and distributing child pornography in 2020. On appeal, he asks this court to address an error in the written judgments.

The sentence includes a consecutive term of imprisonment per 18 U.S.C. § 3147, which provides an enhancement for offenses committed while the offender was on pretrial release. Although the written judgments state that the enhancement was imposed on the 2019 offense, the district court's oral pronouncement at sentencing is ambiguous. We conclude that the court's intent was to impose the enhancement on Tyler's conviction of distribution in 2020 and that it is "by merely clerical mistake or oversight" that the judgments indicate otherwise. *United States v. Buendia-Rangel*, 553 F.3d 378, 379 (5th Cir. 2008) (internal quotation marks and citation omitted).

Accordingly, the judgments are AFFIRMED, but the cases are REMANDED for the limited purpose of correcting the error in the judgments. *See* FED. R. CRIM. P. 36.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.