

Opinion filed November 12, 2015



In The

Eleventh Court of Appeals

No. 11-15-00214-CR

BILLY WAYNE WILLIAMS, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 32nd District Court
Nolan County, Texas
Trial Court Cause No. 4736-A**

MEMORANDUM OPINION

Billy Wayne Williams has filed a pro se notice of appeal from the dismissal or denial of his pending motions for forensic DNA testing, for judgment nunc pro tunc, and for recusal of the judge of the 32nd District Court. We dismiss the appeal.

On October 5, 2015, after the clerk's record was filed in this cause, the clerk of this court wrote Appellant and informed him that it did not appear that

Appellant's notice of appeal related to a final, appealable order. We requested that Appellant respond and show grounds to continue the appeal. Appellant has responded, but he has not shown grounds upon which this appeal may continue.

The district clerk has certified that no order has been filed or entered with regard to Appellant's pro se motion for forensic and DNA testing. Additionally, an intermediate appellate court has no jurisdiction over an appeal from an order denying a request for judgment nunc pro tunc. *Sanchez v. State*, 112 S.W.3d 311 (Tex. App.—Corpus Christi 2003, no pet.); *Everett v. State*, 82 S.W.3d 735 (Tex. App.—Waco 2002, pet. dismissed). Furthermore, an order denying a motion to recuse is not a final, appealable order; it may be reviewed only in an appeal from a final judgment. *Green v. State*, 374 S.W.3d 434, 445 (Tex. Crim. App. 2012). An appeal of the decision to deny a motion to recuse, standing alone, would be improper. *Id.* We have no jurisdiction to entertain this appeal.

Consequently, the appeal is dismissed for want of jurisdiction.

PER CURIAM

November 12, 2015

Do not publish. See TEX. R. APP. P. 47.2(b).

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.