

Dismissed and Opinion Filed September 3, 2015



In The  
**Court of Appeals**  
**Fifth District of Texas at Dallas**

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No. 05-15-01045-CR  
No. 05-15-01046-CR

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**SENRICK SHERN WILKERSON, Appellant**  
**V.**  
**THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 3**  
**Dallas County, Texas**  
**Trial Court Cause Nos. F10-01183-J, F10-01184-J**

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MEMORANDUM OPINION

Before Chief Justice Wright and Justices Myers and Brown  
Opinion by Chief Justice Wright

Senrick Wilkerson was convicted of sexual performance by a child and sexual assault of a child. The convictions were affirmed on direct appeal, as were the appeals from the denial of his motion for post-conviction DNA testing related to the convictions. *Wilkerson v. State*, Nos. 05-11-00061–00062-CR, 2012 WL 2877623 (Tex. App.—Dallas July 16, 2012, pet. ref’d) (convictions); *Wilkerson v. State*, Nos. 05-14-00007–00008-CR, 2015 WL 139387 2015 WL 139387 (Tex. App.—Dallas Jan. 12, 2015, no pet.) (DNA). The Court now has before it appellant’s notice of appeal from the trial court’s presumed denial of his motion for petition for bill of review. We conclude we lack jurisdiction over the appeals.

“Jurisdiction concerns the power of a court to hear and determine a case.” *Olivo v. State*, 918 S.W.2d 519, 522 (Tex. Crim. App. 1996). The jurisdiction of an appellate court must be legally invoked, and, if not, the power of the court to act is as absent as if it did not exist. *See id.* at 523. “The standard to determine whether an appellate court has jurisdiction to hear and determine a case ‘is not whether the appeal is precluded by law, but whether the appeal is authorized by law.’” *Blanton v. State*, 369 S.W.3d 894, 902 (Tex. Crim. App. 2012) (quoting *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008)). The right to appeal in a criminal case is a statutorily created right. *See McKinney v. State*, 207 S.W.3d 366, 374 (Tex. Crim. App. 2006); *Griffin v. State*, 145 S.W.3d 645, 646 (Tex. Crim. App. 2004). *See also* TEX. CODE CRIM. P. ANN. art. 44.02 (West 2006) (providing right of appeal for defendant); TEX. R. APP. P. 25.2(a)(2) (rules for appeal by defendant). Appellate courts may consider appeals by criminal defendants only after conviction or the entry of an appealable order. *See Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

The trial court has not issued an order ruling on appellant’s motion for a bill of review. Moreover, regardless of what the document is named, the substance of the document is a collateral attack on the judgments of conviction. Therefore, even had the trial court issued a written order denying the motion, the order would not be appealable to this Court. As the Court has recently stated in appeals brought by appellant collaterally attacking his convictions, *see Wilkerson v. State*, Nos. 05-15-00978–00980-CR (Tex. App.—Dallas Aug. 18, 2015, no pet. h.), the post-conviction habeas corpus procedure set out in the Texas Code of Criminal Procedure is the sole procedure by which to collaterally attack final felony convictions. *See* TEX. CODE CRIM. P. ANN. arts. 11.05, 11.07 (West 2015). That avenue of attack does not change simply because appellant changes the title of the document he files. Further, this Court does not have jurisdiction over such post-conviction habeas corpus proceedings. *See id.* art. 11.05.

Accordingly, we dismiss the appeals for want of jurisdiction.

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/Carolyn Wright/  
CAROLYN WRIGHT  
CHIEF JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

SENRICK SHERN WILKERSON,  
Appellant

No. 05-15-01045-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court  
No. 3, Dallas County, Texas  
Trial Court Cause No. F10-01183-J.  
Opinion delivered by Chief Justice Wright,  
Justices Myers and Brown participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered September 3, 2015.



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

SENRICK SHERN WILKERSON,  
Appellant

No. 05-15-01046-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court  
No. 3, Dallas County, Texas  
Trial Court Cause No. F10-01184-J.  
Opinion delivered by Chief Justice Wright,  
Justices Myers and Brown participating.

Based on the Court's opinion of this date, we **DISMISS** the appeal for want of jurisdiction.

Judgment entered September 3, 2015.