

Dismissed and Opinion Filed October 2, 2023



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

No. 05-23-00716-CR

**DEQUAN TARZA HENDERSON, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 292nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. F22-77058**

MEMORANDUM OPINION

Before Justices Carlyle, Goldstein, and Breedlove
Opinion by Justice Breedlove

Before the Court is appellant's notice of appeal filed in this Court on July 20, 2023. In the notice of appeal, appellant states he is appealing a decision of a bond hearing on April 18, 2023. Appellant also states the trial court has not ruled on appellant's pro se motions for writ of habeas corpus challenging the increase in his bond.

The record shows appellant was arrested and indicted for aggravated assault with a deadly weapon against the complainant. Bail was set at \$25,000, with conditions including: "Not directly or indirectly communicate with the alleged

victim or go near the residence, school, place of employment, or other place frequented by the victim,” and “No Direct or Indirect Threatening or Harassment of Victim or Family or Pets.” On February 23, 2023, a bond for \$25,000 was filed, and appellant was released. On April 11, 2023, the State moved to hold appellant’s bond insufficient and to deny him bail because appellant allegedly sent multiple text messages to the complainant. That same day, the trial court ordered the bond was insufficient. A “Notice of Disposition” dated April 18, 2023, and a docket sheet entry state appellant’s bond was set at \$50,000 with the added condition requiring him to wear an electronic leg monitor. On May 23, 2023, and July 31, 2023, appellant filed applications for writ of habeas corpus, asserting that he did not send text messages to the complainant, and praying that his original bond of \$25,000 be reinstated. Appellant requested an evidentiary hearing on his application for writ of habeas corpus. Appellant also filed a pro se motion to reduce bail. Appellant filed notice of appeal on July 20, 2023. Nothing in the clerk’s record shows the trial court has ruled on appellant’s application for writ of habeas corpus or motion to reduce bond.

We have no jurisdiction to entertain an appeal unless the trial court has entered a judgment or appealable order. *See* TEX. R. APP. P. 25.2(b), 26.2(a)(1); *State v. Sanavongxay*, 407 S.W.3d 252, 259 (Tex. Crim. App. 2012); *Henderson v. State*, 153 S.W.3d 735, 735–36 (Tex. App.—Dallas 2005, no pet.). There is no judgment in this case. The only order signed by the trial court in the record concerning

appellant's bond is the trial court's order revoking appellant's bond on April 11, 2023. The appellate record does not show that the trial court signed any orders after April 11, 2023.

Orders revoking bond and reinstating a higher bond are not appealable interlocutory orders. *Ragston v. State*, 424 S.W.3d 49, 52 (Tex. Crim. App. 2014) (“There is no constitutional or statutory authority granting the courts of appeals jurisdiction to hear interlocutory appeals regarding excessive bail or the denial of bail.”); *Keaton v. State*, 204 S.W.3d 870, 873 (Tex. App.—Beaumont 2009, no pet.) (“The Legislature did not provide appellate jurisdiction over a direct appeal from an interlocutory pretrial order involving bail.”); *see also Ex parte Leyendecker*, No. 05-22-01369-CR, 2023 WL 3114676, at *4 (Tex. App.—Dallas Apr. 27, 2023, no pet.) (Kennedy, J., concurring) (“A defendant may appeal an adverse ruling on a pretrial application for writ of habeas corpus requesting relief on a bond, but the defendant may not appeal an adverse ruling on an interlocutory motion requesting relief on the bond.”).

Moreover, a notice of appeal must be filed within thirty days of the trial court sentencing appellant or another appealable order is signed in a non-accelerated case. TEX. R. APP. P. 26.2. If the defendant timely files a motion for new trial, then the time for filing a notice of appeal is ninety days after appellant is sentenced or an appealable order is signed. *Id.* A party may file a motion for extension of time to file the notice of appeal within fifteen days of the date the notice of appeal was due.

TEX. R. APP. P. 26.3. In this case, appellant has not been sentenced, and the only order, which is not an appealable order, was signed April 11, 2023. No motion for new trial was filed. If the order were an appealable order, the notice of appeal would have been due May 11, 2023. The notice of appeal filed July 20, 2023, was untimely to vest this Court with jurisdiction.

Having reviewed the record, we conclude there is no appealable order before us over which we have jurisdiction. Accordingly, we dismiss this appeal for want of jurisdiction.

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TEX. R. APP. P. 47.2(b)

/Maricela Breedlove/
MARICELA BREEDLOVE
JUSTICE



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

JUDGMENT

DEQUAN TARZA HENDERSON,
Appellant

No. 05-23-00716-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 292nd Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F22-77058.

Opinion delivered by Justice
Breedlove. Justices Carlyle and
Goldstein participating.

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

Judgment entered this 2nd day of October, 2023.