



IN THE  
TENTH COURT OF APPEALS

\_\_\_\_\_  
No. 10-15-00304-CR

RONALD EUGENE DARWIN,

Appellant

v.

THE STATE OF TEXAS,

Appellee

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From the 21st District Court  
Burleson County, Texas  
Trial Court No. 14,101

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MEMORANDUM OPINION

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Ronald Eugene Darwin appeals the trial court's denial of Darwin's "Motion for Judgement Nunc Pro Tunc on Pre-Sentence Time Credit." However, the trial court's denial of that motion is not an appealable order, and this Court has no jurisdiction of an appeal from that order. *Everett v. State*, 82 S.W.3d 735 (Tex. App.—Waco 2002, pet. dismiss'd); *see also Ex parte Ybarra*, 149 S.W.3d 147, 148-49 (Tex. Crim. App. 2004) (appeal of

denial of nunc pro tunc is by way of a petition for writ of mandamus). Accordingly, Darwin's appeal is dismissed for want of jurisdiction.<sup>1</sup>

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins  
Appeal dismissed  
Opinion delivered and filed September 17, 2015  
Do not publish  
[CR25]



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<sup>1</sup> A motion for rehearing may be filed within 15 days after the judgment of this Court is rendered. *See* TEX. R. APP. P. 49.1. If the appellant desires to have the decision of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court's judgment was rendered or the day the last timely motion for rehearing was overruled by this Court. *See* TEX. R. APP. P. 68.2(a).