



**IN THE
TENTH COURT OF APPEALS**

**No. 10-17-00251-CR
No. 10-17-00252-CR**

RONNY JAMALL SMITH,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 54th District Court
McLennan County, Texas
Trial Court Nos. 2002-161-C & 2004-758-C**

MEMORANDUM OPINION

Ronny Jamall Smith filed a notice of appeal in two trial court cases, number 2002-161-C, docketed as appellate case number 10-17-00251-CR, and number 2004-758-C, docketed as appellate case number 10-17-00252-CR. He states in the notice of appeal that he is appealing the trial court's denial of a motion nunc pro tunc for "flat time served" in each trial court case number.

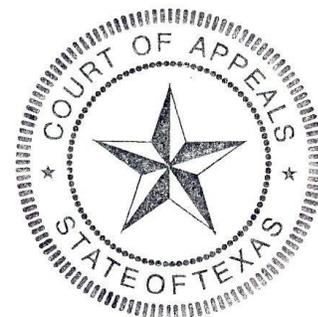
There is no signed order in trial court case number 2002-161-C. Thus, we have no jurisdiction of the appeal in 10-17-00251-CR. *See* TEX. R. APP. P. 26.2. Even if we had a signed order, this appeal, like the appeal of the trial court's order denying Smith's motion in trial court case number 2004-758-C, would be dismissed.

We do not have appellate jurisdiction of the denial of a motion for judgment nunc pro tunc. *Everett v. State*, 82 S.W.3d 735 (Tex. App.—Waco 2002, pet. dismissed). The appropriate remedy to obtain review of the denial of a nunc pro tunc motion is by a petition for writ of mandamus. *Ex parte Forooghi*, 185 S.W.3d 498 (Tex. Crim. App. 2006) (Johnson, J., concurring statement); *see also Ex parte Ybarra*, 149 S.W.3d 147, 149 (Tex. Crim. App. 2004).

Accordingly, because we have no jurisdiction, these appeals are dismissed.¹

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeals dismissed
Opinion delivered and filed August 16, 2017
Do not publish
[CR25]



¹ A motion for rehearing may be filed within 15 days after the judgment or order of this Court is rendered. TEX. R. APP. P. 49.1. If the appellant desires to have the decision of this Court reviewed by the Court of Criminal Appeals, a petition for discretionary review must be filed in the Court of Criminal Appeals within 30 days after either the day the court of appeals' judgment was rendered or the day the last timely motion for rehearing was overruled by the court of appeals. TEX. R. APP. P. 68.2(a).