

Opinion filed October 21, 2021



In The

Eleventh Court of Appeals

No. 11-21-00216-CR

BILLY RAY NELSON, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 118th District Court
Howard County, Texas
Trial Court Cause No. 8214**

MEMORANDUM OPINION

Appellant, Billy Ray Nelson, was convicted of capital murder and, in 2008, was sentenced to life in prison. In August 2021, Appellant filed a pro se motion for judgment nunc pro tunc, and the trial court entered an order denying that motion. Appellant filed a pro se notice of appeal. We dismiss the appeal for want of jurisdiction.

When the appeal was filed in this court, we notified Appellant by letter that the order from which he attempted to appeal did not appear to be a final, appealable order. We requested that Appellant respond and show grounds to continue, and we informed him that this appeal may be dismissed. Appellant filed a response but has not shown grounds upon which this appeal may continue.

An intermediate appellate court has no jurisdiction over an appeal from an order denying a request for judgment nunc pro tunc because such an order is not an appealable order. *Gonzalez v. State*, No. 11-17-00056-CR, 2017 WL 1275540, at *1 (Tex. App.—Eastland Mar. 31, 2017, no pet.) (mem. op., not designated for publication); *Sims v. State*, No. 05-14-01438-CR, 2014 WL 6453607, at *1 (Tex. App.—Dallas Nov. 18, 2014, no pet.) (mem. op., not designated for publication); *Sanchez v. State*, 112 S.W.3d 311, 312 (Tex. App.—Corpus Christi–Edinburg 2003, no pet.); *Everett v. State*, 82 S.W.3d 735 (Tex. App.—Waco 2002, pet. dism'd). Thus, we have no jurisdiction to entertain this appeal.

We dismiss this appeal for want of jurisdiction.

PER CURIAM

October 21, 2021

Do not publish.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

Panel consists of: Bailey, C.J.,
Trotter, J., and Williams, J.