

DISMISS; and Opinion Filed August 6, 2014.



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

No. 05-14-01010-CR

**JOHN ALBERT ESTRADA, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 3
Dallas County, Texas
Trial Court Cause No. F93-26578-PJ**

MEMORANDUM OPINION

Before Justices Fillmore, Evans, and Lewis
Opinion by Justice Fillmore

John Albert Estrada was convicted, following the adjudication of his guilt, for aggravated sexual assault of a child. The trial court assessed punishment at twenty years' imprisonment. This Court affirmed appellant's conviction on direct appeal. *Estrada v. State*, No. 05-96-00752-CR, 1999 WL 521793 (Tex. App.—Dallas July 23, 1999, pet. ref'd, untimely filed) (op. on reh'g). Appellant filed in the trial court a pro se "Motion for the Court to Call the Substantiation of Guilt Judgment of May 16 1994 "Void" For Failure of the Court to Follow Statutory Mandate Art. 1.15 V.C.C.P. and Calling the Adjudication of Guilt on 1 March 1996 "Void" for Failure of the Court to Follow Statutory Mandate Art. 1.15 V.C.C.P. and for not having Subject Matter Jurisdiction or Jurisdiction to Enter Judgment Against the Undersign[ed] Juan Alberto Estrada." The trial court denied the motion and appellant filed a pro se notice of appeal. We conclude we lack jurisdiction over the appeal.

“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 did not exist. *See id.* at 523. An appellate court may consider an appeal by a criminal defendant 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.). An order denying a motion to declare an eighteen-year-old conviction void is not an appealable order. *See id.* (identifying types of appealable orders).

We dismiss the appeal for want of jurisdiction.

/Robert M. Fillmore/
ROBERT M. FILLMORE
JUSTICE

Do Not Publish
TEX. R. APP. P. 47

141010F.U05



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

JUDGMENT

JOHN ALBERT ESTRADA, Appellant

No. 05-14-01010-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District Court
No. 3, Dallas County, Texas

Trial Court Cause No. F93-26578-PJ.

Opinion delivered by Justice Fillmore,
Justices Evans and Lewis participating.

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

Judgment entered this 6th day of August, 2014.