

DISMISS; and Opinion Filed December 3, 2015.



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

No. 05-15-00557-CV

**CHARLES ANTHONY ALLEN SR., Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the 292nd Judicial District Court
Dallas County, Texas
Trial Court Cause No. CV99-01573-V**

MEMORANDUM OPINION

Before Chief Justice Wright, Justice Lang-Miers, and Justice Stoddart
Opinion by Justice Lang-Miers

Appellant appeals the trial court's February 9, 2015 Order Denying Motion for the Issuance of Bench Warrant, Motion for New Trial and Notice of Mandamus. Upon review of the clerk's record, it appeared that the order appealed was not an appealable order. By letter dated September 23, 2015, we notified the parties that we questioned our jurisdiction over the appeal and requested jurisdictional briefing from the parties. Appellant filed a letter brief in response to the Court's request, but did not address whether a denial of a motion for new trial is an appealable order.

Appellate courts may review only final judgments or interlocutory orders specifically made appealable by statute. *See Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001). An order denying a motion for new trial is not a judgment and is not independently appealable. *State Office of Risk Mgmt. v. Berdan*, 335 S.W.3d 421, 428 (Tex. App.—Corpus Christi 2011, pet. denied).

Any appeal is required to be taken from the judgment, not from the denial of the motion for new trial. *Macklin v. Saia Motor Freight Lines, Inc.*, No. 06–12–00038–CV, 2012 WL 1155141, at *1 (Tex. App.—Texarkana Apr. 6, 2012, pet. denied).

Appellant filed his motion for new trial on January 26, 2015 in response to a family violence protective order issued on October 1, 1999. On February 9, 2015, the trial court denied appellant’s motion for new trial. On March 12, 2015, appellant filed a notice of restricted appeal from the court’s February 9, 2015 order. Because appellant challenges an unappealable order, we have no jurisdiction over the appeal.

Accordingly, we dismiss this appeal for want of jurisdiction.

/Elizabeth Lang-Miers/
ELIZABETH LANG-MIERS
JUSTICE

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

JUDGMENT

CHARLES ANTHONY ALLEN SR.,
Appellant

No. 05-15-00557-CV V.

THE STATE OF TEXAS, Appellee

On Appeal from the 292nd Judicial District
Court, Dallas County, Texas
Trial Court Cause No. CV99-01573-V.
Opinion delivered by Justice Lang-Miers.
Chief Justice Wright and Justice Stoddart
participating.

In accordance with this Court's opinion of this date, the appeal is **DISMISSED** for want of jurisdiction.

It is **ORDERED** that appellee THE STATE OF TEXAS recover its costs of this appeal from appellant CHARLES ANTHONY ALLEN SR..

Judgment entered this 3rd day of December, 2015.