

DISMISS; and Opinion Filed October 2, 2017.



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

No. 05-17-01069-CR

EX PARTE MICHAEL DWAIN WILLIAMS

**On Appeal from the County Criminal Court of Appeals No. 2
Dallas County, Texas
Trial Court Cause No. MC-16-A1501**

MEMORANDUM OPINION

Before Justices Lang-Miers, Brown, and Boatright
Opinion by Justice Brown

On September 11, 2017, the Court received Michael Dwain Williams's notice of appeal purporting to appeal the trial court's denial of his post-conviction application for writ of habeas corpus challenging the validity of a 1992 conviction for driving while intoxicated.¹ Appellant also filed a motion to extend the time to file the notice of appeal and other motions seeking relief from the Court. Appellant contended he reviewed a website printout that the trial court had denied his writ application on July 14, 2017.

By order entered on September 14, 2017, the Court ordered the trial court clerk to furnish the Court with either a copy of the trial court's order denying relief on appellant's writ application or else a letter certifying that no final order had been entered. The trial court clerk

¹ Because inmates must depend on prison authorities to mail their correspondence, pro se inmates are entitled to rely upon the "prisoner mailbox rule" which provides that pro se inmates are deemed to have filed their pleadings "at the time they are delivered to prison authorities for forwarding to the court clerk." *Campbell v. State*, 320 S.W.3d 338, 342 (Tex. Crim. App. 2010). Thus, appellant's notice of appeal was filed when he delivered it to prison authorities for mailing on August 21, 2017. The envelope containing appellant's documents bears a postmark of August 21, 2017.

responded to the Court's order by filing the entire clerk's record. The clerk's record shows the trial court made a docket entry showing the writ application was denied on July 14, 2017. The clerk's record does not, however, contain a written order formally denying the writ application.

A court of appeals has no jurisdiction over an appeal absent a written judgment or order. *See Gutierrez v. State*, 307 S.W.3d 318, 321 (Tex. Crim. App. 2010); *Abbott v. State*, 271 S.W.3d 694, 697 (Tex. Crim. App. 2008); *Nikrasch v. State*, 698 S.W.2d 443, 450 (Tex. App.—Dallas 1985, no pet.). A docket sheet entry does not constitute an appealable order. *See State v. Shaw*, 4 S.W.3d 875, 878 (Tex. App.—Dallas 1999, no pet.). Because the trial court has not yet entered a written order in the habeas proceeding, appellant's notice of appeal is premature and does not confer jurisdiction upon the Court.

We deny as moot appellant's motions. We dismiss the appeal for want of jurisdiction.

/Ada Brown/
ADA BROWN
JUSTICE

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TEX. R. APP. P. 47

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

JUDGMENT

EX PARTE MICHAEL DWAIN
WILLIAMS

No. 05-17-01069-CR

On Appeal from the County Criminal Court
of Appeals No. 2, Dallas County, Texas
Trial Court Cause No. MC-16-A1501.
Opinion delivered by Justice Brown. Justices
Lang-Miers and Boatright participating.

Based on the Court's opinion of this date, the appeal is **DISMISSED**.

Judgment entered this 2nd day of October, 2017.