

**DISMISS and Opinion Filed November 23, 2021**



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

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**No. 05-21-00997-CR**

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**DEREK PAUL RAY SR., Appellant  
V.  
THE STATE OF TEXAS, Appellee**

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**On Appeal from the Criminal District Court No. 2  
Dallas County, Texas  
Trial Court Cause No. F96-51596-I**

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**MEMORANDUM OPINION**

Before Justices Pedersen, III, Goldstein, and Smith  
Opinion by Justice Smith

Derek Paul Ray Sr. appeals his conviction for injury to a child. On November 15, 2021, appellant filed his pro se notice of appeal with this Court, stating he was appealing the trial court's denial of his motion for judgment nunc pro tunc on back time credit. We dismiss this appeal.

An appellate court has jurisdiction to determine an appeal only if the appeal is authorized by law. *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008). When the appellate court's jurisdiction is not legally invoked, the court's power to act is as absent as if it did not exist. *Olivo v. State*, 918 S.W.2d 519, 523 (Tex. Crim. App. 1996). Appellate courts may consider criminal appeals only after

final conviction or the entry of a narrow set of appealable interlocutory orders. TEX. R. APP. P. 26.2(a)(1); *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

Here, appellant seeks to appeal the trial court’s denial of his motion for judgment nunc pro tunc on back time credit. However, the denial of a nunc pro tunc on back-time credit is not appealable. *See Abbott*, 271 S.W.3d at 697 (“In this case, we have not found any rule or any statutory or constitutional provision that would authorize appellant’s appeal from the trial court’s post-judgment order denying his time-credit motion.”). Because there is no rule or statutory or constitutional provision allowing such an appeal, we conclude we lack jurisdiction. *See id.*

We dismiss this appeal.

/Craig Smith/  
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CRAIG SMITH  
JUSTICE

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TEX. R. APP. P. 47.2(b)  
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**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

DEREK PAUL RAY SR., Appellant

No. 05-21-00997-CR      V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District  
Court No. 2, Dallas County, Texas  
Trial Court Cause No. F96-51596-I.  
Opinion delivered by Justice Smith.  
Justices Pedersen, III and Goldstein  
participating.

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

Judgment entered November 23, 2021