

Dismiss and Opinion Filed August 16, 2022



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

No. 05-22-00797-CR

**REGINALD ARLEIGH NOBLE, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 4
Dallas County, Texas
Trial Court Cause No. F00-50025-K**

MEMORANDUM OPINION

Before Justices Partida-Kipness, Pedersen, III, and Nowell
Opinion by Justice Pedersen, III

Reginald Arleigh Noble was convicted of aggravated sexual assault of a child and sentenced to life in prison. His conviction was affirmed on direct appeal. *See Noble v. State*, No. 08-01-00035-CR, 2002 WL 221886 (Tex. App.—El Paso Feb. 4, 2002, pet. ref'd) (not designated for publication).

On August 5, 2022, he filed a notice of appeal, seeking to appeal the trial court's "Dec. 6, 2000 void judgment and sentence order." Along with the notice of appeal, appellant filed copies of several motions he appears to have filed in the trial court. To date, no orders have been entered on his motions.

Appellant has the right to appeal when a trial court enters a “judgment of guilt or other appealable order.” *See* TEX. R. APP. P. 25.2(a)(2), 26.2(a). The trial court “enters” an appealable order by signing a written order. *See State v. Sanavongxay*, 407 S.W.3d 252, 259 (Tex. Crim. App. 2012) (court of appeals has no jurisdiction over State’s appeal until there is signed written order); *State ex rel. Sutton v. Bage*, 822 S.W.2d 55, 57 (Tex. Crim. App. 1992) (orig. proceeding) (determining that trial court has not entered order justifying appeal until written order is signed); *see also Rodarte v. State*, 860 S.W.2d 108, 110 (Tex. Crim. App. 1993) (defendant’s timetable for filing notice of appeal from adverse habeas decision begins when appealable order signed).

Although it appears appellant has filed motions in the trial court, to date the trial court has not signed or entered any appealable orders on these motions. Therefore, appellant’s notice of appeal does not confer jurisdiction on this Court. *See Sanavongxay*, 407 S.W.3d at 259.

To the extent appellant seeks to challenge his December 6, 2000 judgment, his notice of appeal is untimely. *See* TEX. R. APP. P. 26.2(a) (absent timely filed motion for new trial, notice of appeal must be filed within 30 days after day sentence is imposed). Alternatively, if he is attempting to collaterally attack his final criminal conviction, we also lack jurisdiction. As we have previously informed appellant, a collateral attack on a judgment falls within the scope of a post-conviction writ of habeas corpus under article 11.07 of the Texas Code of Criminal Procedure. *See* TEX.

CODE CRIM. PROC. ANN. art. 11.07. “It is well established that only the Court of Criminal Appeals possesses the authority to grant relief in a post-conviction habeas corpus proceeding where there is a final felony conviction.” *Padieu v. Court of Appeals of Tex., Fifth Dist.*, 392 S.W.3d 115, 117–18 (Tex. Crim. App. 2013) (quoting *Ex parte Alexander*, 685 S.W.2d 57, 60 (Tex. Crim. App. 1985) and citing TEX. CODE CRIM. PROC. art. 11.07 § 5); see *Ater v. Eighth Court of Appeals*, 802 S.W.2d 241, 243 (Tex. Crim. App. 1991) (orig. proceeding). “Article 11.07 contains no role for the courts of appeals; the only courts referred to are the convicting court and the Court of Criminal Appeals.” *In re McAfee*, 53 S.W.3d 715, 718 (Tex. App.—Houston [1st Dist.] 2001, orig. proceeding).

Under these circumstances, we must dismiss this appeal for want of jurisdiction.

/Bill Pedersen, III//

BILL PEDERSEN, III
JUSTICE

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TEX. R. APP. P. 47.2(b)



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

JUDGMENT

REGINALD ARLEIGH NOBLE,
Appellant

No. 05-22-00797-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 4, Dallas County, Texas
Trial Court Cause No. F00-50025-K.
Opinion delivered by Justice
Pedersen, III. Justices Partida-
Kipness and Nowell participating.

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

Judgment entered this 16th day of August, 2022.