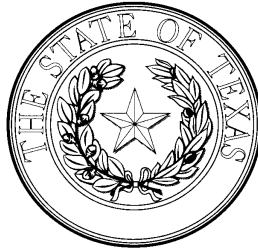


Opinion issued January 9, 2018



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-17-00549-CR

NO. 01-17-00550-CR

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**JEROME OSBORNE FOLKES, Appellant**

**V.**

**THE STATE OF TEXAS, Appellee**

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**On Appeal from the 209th District Court  
Harris County, Texas  
Trial Court Case Nos. 1501078 & 1501214**

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**MEMORANDUM OPINION**

Jerome Osborne Folkes, acting pro se, has filed a notice of appeal from two underlying cases (trial court case numbers 1501078 & 1501214) that were dismissed

due his convictions in other cases (trial court case numbers 1501076 & 1501077).<sup>1</sup>

We dismiss the appeals for lack of jurisdiction.

In criminal cases, an appeal is authorized only when a trial court “enters a judgment of guilt or other appealable order.” TEX. R. APP. P. 25.2(a)(2); *see* TEX. CODE CRIM. PROC. art. 44.02 (“A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed . . .”). Folkes was not convicted in the underlying cases because they were dismissed, and an appeal of the dismissal is not otherwise authorized. Because the underlying criminal cases were dismissed, there is no judicable controversy to be resolved by the appeal. *See Glover v. State*, 406 S.W.3d 343, 350 (Tex. App.—Amarillo 2013, pet. ref’d). (“In order to address an issue on appeal, an appellate court must be presented with a justiciable controversy.”). Accordingly, the appeal is moot and we dismiss the appeal for lack of lack jurisdiction. *See Chacon v. State*, 745 S.W.2d 377, 378 (Tex. Crim. App. 1988) (dismissing petition for review as moot when no controversy to decide). We dismiss any pending motions as moot.

### **PER CURIAM**

Panel consists of Justices Keyes, Brown, and Lloyd.

Do not publish. TEX. R. APP. P. 47.2(b).

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<sup>1</sup> Folkes’s appeal of the convictions in trial court case numbers 1501076 & 1501077 have been docketed under appellate cause numbers 01-17-00510-CR & 01-17-00511-CR.