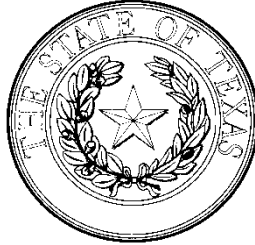


Opinion issued August 30, 2018



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00753-CR

NO. 01-18-00754-CR

ARTHUR DAVID LOWE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 339th District Court
Harris County, Texas
Trial Court Case Nos. 659154 & 659156**

MEMORANDUM OPINION

Appellant, Arthur David Lowe, incarcerated and proceeding pro se, attempts to appeal from the trial court's order denying his motion for nunc pro tunc judgment in these two related cases.¹ If the trial court had signed a nunc pro tunc judgment, that would be an appealable order. *See Blanton v. State*, 369 S.W.3d 894, 904 (Tex. 2012) (“A *nunc pro tunc* judgment is an appealable order under Article 44.02 if the appeal is timely filed.”). However, the trial court's signed order denied appellant's motion for nunc pro tunc judgment in both cases, which is not an appealable order, but may be challenged via petition for a writ of mandamus.² *See Ex parte Florence*, 319 S.W.3d 695, 696 (Tex. Crim. App. 2010) (“If the trial court denies the motion for judgment *nunc pro tunc* or fails to respond, relief may be sought by filing an application for writ of mandamus in a court of appeals.”); *see, e.g., Schofield v. State*, No. 01-14-00321-CR, 2014 WL 2538693, at *1 (Tex. App.—Houston [1st Dist.] June 5, 2014, no pet.) (per curiam) (mem. op., not designated for publication) (dismissing for want of jurisdiction appeal from denial of motion for judgment nunc pro tunc).

¹ Appellate cause number 01-18-00753-CR; trial court cause number 659154.
Appellate cause number 01-18-00754-CR; trial court cause number 659156.

² Appellant filed a premature brief attaching copies of both his motion for judgment nunc pro tunc and the order. The Clerk of this Court requested that the district clerk file a special clerk's record containing certified copies of the motion and order, which was filed on August 24, 2018.

Accordingly, we dismiss these appeals for want of jurisdiction.³ We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Keyes, Bland, and Lloyd.

Do not publish.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

³ This Court previously denied appellant's pro se mandamus petitions challenging the trial court's failure to rule on his motion for judgment nunc pro tunc in the same underlying trial court cause numbers 659154 and 659156. *See In re Arthur David Lowe*, Nos. 01-17-00624-CR & 01-17-00624-CR, 2016 WL 3220437, at *1 (Tex. App.—Houston [1st Dist.] Sept. 28, 2017, orig. proceeding) (per curiam) (mem. op., not designated for publication).