

Court Of Appeals
Fourth Court of Appeals District of Texas
San Antonio



MEMORANDUM OPINION

No. 04-08-00621-CR

Fernando **MEDEROS**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 290th District Court, Bexar County, Texas
Trial Court No. 2005-CR-5628
Honorable Sharon MacRae, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Justice
Phylis J. Speedlin, Justice
Rebecca Simmons, Justice

Delivered and Filed: November 5, 2008

DISMISSED FOR LACK OF JURISDICTION

Appellant filed a notice of appeal from the trial court's order denying his motion for judgment nunc pro tunc. This court does not have jurisdiction to consider an appeal from an order denying a motion for judgment nunc pro tunc. *See Everett v. State*, 82 S.W.3d 735, 735 (Tex. App.—Waco 2002, no pet.); *see also Vineyard v. State*, No. 04-07-00575-CR, 2007 WL 2935836 at *1 (Tex. App.—San Antonio Oct. 10, 2007, no pet.) (not designated for publication). Therefore,

on October 1, 2008, this court ordered appellant to show cause why this appeal should not be dismissed for want of jurisdiction. On October 16, 2008, appellant's appointed counsel on appeal filed a response agreeing that this court had no choice but to dismiss the appeal. We therefore dismiss the appeal for lack of jurisdiction.

PER CURIAM

DO NOT PUBLISH

