



**Fourth Court of Appeals**  
**San Antonio, Texas**

**MEMORANDUM OPINION**

No. 04-15-00645-CR

Robert Allen **NEELY**,  
Appellant

v.

The **STATE** of Texas,  
Appellee

From the 186th Judicial District Court, Bexar County, Texas  
Trial Court No. 2014CR7454  
Honorable Andrew Carruthers, Judge Presiding

PER CURIAM

Sitting: Marialyn Barnard, Justice  
Rebeca C. Martinez, Justice  
Patricia O. Alvarez, Justice

Delivered and Filed: November 25, 2015

DISMISSED FOR WANT OF JURISDICTION

On July 29, 2015, the trial court denied appellant's motion to suppress. Thereafter, he filed a pro se document with the district clerk, which the district clerk interpreted as a notice of appeal from the trial court's denial of appellant's motion to suppress.<sup>1</sup> The district clerk then forwarded the clerk's record, which included the "notice of appeal" to this court. However, after reviewing

---

<sup>1</sup> The document filed by the pro se defendant is actually a request for a *Jackson v. Denno* hearing to challenge the voluntariness of the defendant's confession. Admittedly, at the top of the document, the pro se included the handwritten words, "Apeal [sic] To," but the substance of the document, which controls, makes it clear this is not a notice of appeal from either a final judgment or a ruling on the motion to suppress. However, because the district clerk forwarded the document to us as a "notice of appeal," we must dispose of it as an appeal.

the record, we find there has been no judgment rendered in this case, and a defendant may not appeal an interlocutory order denying a motion to suppress. *See Dahlem v. State*, 322 S.W.3d 685, 690 (Tex. App.—Fort Worth 2010, pet. ref'd). We therefore ordered appellant to file a written response in this court on or before November 11, 2015, showing cause why we should not dismiss the appeal for want of jurisdiction. Appellant has not filed a response.

Accordingly, we dismiss this appeal for want of jurisdiction.

PER CURIAM

Do Not Publish