



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-17-00606-CR

Jeffrie **MCFARLIN**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 186th Judicial District Court, Bexar County, Texas
Trial Court No. 2016CR1389
Honorable Andrew Wyatt Carruthers, Judge Presiding

PER CURIAM

Sitting: Patricia O. Alvarez, Justice
Luz Elena D. Chapa, Justice
Irene Rios, Justice

Delivered and Filed: November 15, 2017

DISMISSED

The trial court’s certification in this appeal states that “this criminal case is a verdict resulting from a jury determination on the issue of competency to stand trial to which there is no right of interlocutory appeal.” The clerk’s record contains the jury’s verdict that Appellant is competent to stand trial and a judgment of competency—rendered on the jury’s verdict—by the Criminal Law Magistrate of Bexar County.

“A judgment from a pretrial competency hearing is not reviewable until the matter is raised in an appeal from a full trial on the merits.” *Morales v. State*, 801 S.W.2d 624, 625 (Tex. App.—

Dallas 1990), *aff'd*, 830 S.W.2d 139 (Tex. Crim. App. 1992); *accord Moreno v. State*, No. 04-13-00523-CR, 2013 WL 4679163, at *1 (Tex. App.—San Antonio Aug. 28, 2013, no pet.) (mem. op., not designated for publication).

This court must dismiss this appeal “if a certification that shows the defendant has a right of appeal has not been made part of the record under these rules.” TEX. R. APP. P. 25.2(d); *see Chavez v. State*, 183 S.W.3d 675, 680 (Tex. Crim. App. 2006). On September 25, 2017, we ordered Appellant to cause an amended trial court certification to be filed in this court not later than October 25, 2017, showing Appellant has the right of appeal. *See* TEX. R. APP. P. 25.2(d), 37.1; *see also Dears v. State*, 154 S.W.3d 610 (Tex. Crim. App. 2005); *Daniels v. State*, 110 S.W.3d 174 (Tex. App.—San Antonio 2003, no pet.). We warned Appellant that if no amended trial court certification was filed as ordered, we would dismiss this appeal. *See* TEX. R. APP. P. 25.2(d). To date, no response has been filed.

Absent an amended trial court certification showing that Appellant has the right of appeal, Rule 25.2(d) requires this court to dismiss this appeal. *See Dears*, 154 S.W.3d at 613; *Daniels*, 110 S.W.3d at 176. Accordingly, this appeal is dismissed.

PER CURIAM

DO NOT PUBLISH