



Fourth Court of Appeals
San Antonio, Texas

MEMORANDUM OPINION

No. 04-18-00665-CR

Dominique **GREEN**,
Appellant

v.

The **STATE** of Texas,
Appellee

From the 226th Judicial District Court, Bexar County, Texas
Trial Court No. 2015CR7880
Honorable Sid L. Harle, Judge Presiding

PER CURIAM

Sitting: Sandee Bryan Marion, Chief Justice
Karen Angelini, Justice
Marialyn Barnard, Justice

Delivered and Filed: October 24, 2018

DISMISSED FOR LACK OF JURISDICTION

Appellant filed a notice of appeal in the underlying cause on September 7, 2018. The notice of appeal states it is a premature filing in the event the trial court denies his Chapter 64 Motion for DNA Testing and Motion for Appointment of Counsel. A clerk's record was filed on September 19, 2018. Because the trial court has not ruled on appellant's motions, we have no jurisdiction to consider this appeal. *See* TEX. R. APP. P. 26.2 (providing appellate deadlines run from the day trial court enters an appealable order).

By order dated September 20, 2018, we ordered appellant to show cause in writing by October 4, 2018, why this appeal should not be dismissed for lack of jurisdiction. On October 9, 2018, appellant filed a written response agreeing that this appeal must be dismissed but stressing his intention was to file a premature notice of appeal in the event he is not notified when the trial court enters an order on his motions. Because the record does not contain an appealable order signed by the trial court, this appeal is dismissed for lack of jurisdiction. *See id.*

PER CURIAM

DO NOT PUBLISH