

NO. 07-06-0125-CR
IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL A
APRIL 24, 2006

GUADALUPE VALDEZ, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 251ST DISTRICT COURT OF POTTER COUNTY;
NO. 50,196-C; HONORABLE PATRICK A. PIRTLE, JUDGE

Before REAVIS and CAMPBELL and HANCOCK, JJ.

MEMORANDUM OPINION

On March 6, 2006, appellant Guadalupe Valdez filed notices of appeal in trial court cause numbers 50,139-C and 50,196-C. The clerk's record has been filed in 50,139-C, and a motion for extension of time has been filed in 50,196-C indicating appellant has not paid nor made arrangements to pay for the record. The State filed and the trial court

granted a motion to dismiss the charge against appellant in cause number 50,196-C. We dismiss for want of jurisdiction.

Generally, this Court has jurisdiction to consider an appeal where there has been a judgment of conviction. See *Petty v. State*, 800 S.W.2d 582, 583 (Tex.App.–Tyler 1990, no pet.). An order dismissing an indictment is not an order from which an appeal can be perfected. See *generally id.* at 583-84 (applying federal law holding that dismissal of an indictment is not an appealable order and review of a dismissal order must await the outcome of a trial).

Accordingly, the clerk's motion for extension of time is rendered moot and this purported appeal is dismissed for want of jurisdiction.¹

Don H. Reavis
Justice

Do not publish.

¹Our disposition in this cause does not affect appellant's appeal in trial court cause number 50,139-C, our cause number 07-06-0124-CR.