In The
Court of Appeals
Seventh District of Texas at Amarillo

No. 07-14-00122-CV

HARVEY BRAMLETT, JR. AND JASON BLAKENEY, APPELLANTS

V.

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION, ET AL., APPELLEE

On Appeal from the 108th District Court
Potter County, Texas
Trial Court No. 99,017-E, Honorable Ron Enns, Presiding

May 1, 2014

MEMORANDUM OPINION

Before QUINN, CJ. and CAMPBELL and PIRTLE, JJ.

Harvey Bramlett, Jr. and Jason Blakeney, appellants, appealed from an order denying them a temporary injunction. Attached to their notice of appeal was a letter from the trial court which they contend is a final appealable order. That letter, dated February 20, 2014, contained the following statement: "[t]he Court has reviewed the pleadings in the above cause and has determined that the pending Plaintiff's Motions should be denied. I ask that Ms. Hime [opposing counsel] forward an appropriate order for the Court's signature." Furthermore, on April 17, 2014, the trial court clerk certified

that as of this date, "there has not been any orders signed by Judge Ron Enns nor filed with the Potter County District Clerk's office in regards to denying all of plaintiffs' motions or in regards to the Attorney General's Chapter Fourteen Motion to Dismiss." Therefore, we directed appellants to show why we have jurisdiction over the appeal and allotted them 10 days to do so. Appellants responded by contending that the February 20th letter constituted a final appealable ruling and that they have not received a final written order from either the district clerk or the trial court.

Generally, a letter from the trial court to counsel and the parties is typically not the type of document that constitutes a judgment, decision, or order. *See Goff v. Tuchscherer,* 627 S.W.2d 397, 398-99 (Tex. 1982); *Perdue v. Patten Corp*., 142 S.W.3d 596, 603 (Tex. App.—Austin 2004, no pet.). Yet, much depends on whether the trial court intended the missive to serve as an order. *See Gen. Elec. Capital Auto Fin. Leasing Servs., Inc. v. Stanfield*, 71 S.W.3d 351, 355 (Tex. App—Tyler 2001, pet. denied).

The letter before us fails to reveal the requisite intent and formality. That is, the trial court first said that the motion at issue "should be granted"; it did not expressly grant the motion. It also requested defense counsel to forward an order to it for signature. Asking for an order via a letter to manifest and finalize the decision falls short of illustrating that the letter was intended to be operative as the final order. Simply put, those two indicia negate the contention being made by appellants. *See Goff v. Tuchscherer*, 627 S.W.2d at 398-99 (wherein a letter to counsel stating that the court overruled a plea of privilege and requested counsel to prepare and present an appropriate order reflecting the decision did not start the appellate timetable); *Perdue* v.

Patten Corp., 142 S.W.3d at 603 (holding that the letter was not the final, official order granting a new trial because it called on counsel to draft and submit such an order). Having before us no order from which an appeal may be taken, we dismiss the appeal for want of jurisdiction.

Per Curiam