



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00020-CR

DONALD RAY MCCRAY, APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

On Appeal from the 251st District Court
Potter County, Texas
Trial Court No. 70,652-C, Honorable Abe Lopez, Presiding

February 16, 2016

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and HANCOCK, JJ.

Donald Ray McCray filed a notice of appeal from the trial court's interlocutory denial of his motion to dismiss the indictment due to its alleged illegality and improper venue. No final order has been entered in the cause. Nor has the trial court pronounced sentence in open court given that a trial has yet to occur. Questioning whether this court has jurisdiction over the appeal because an appeal cannot be had from an interlocutory order denying a request to quash or dismiss an indictment, see *Barber v. State*, No. 11-12-00207-CR, 2012 Tex. App. LEXIS 7412, at *1-2 (Tex. App.—

Eastland Aug. 31, 2012, pet. ref'd, untimely filed) (so holding), we directed appellant to address the matter. In response, he asked for an extension of time to reply since the prison's alleged status as being on administrative lock-down prevented him from securing stamps and stationary purportedly needed to send his answer. Interestingly, his motion for an extension was written on paper and mailed to this court; so it appears that he had access to stationary and postage.

We deny the motion to extend and conclude that we lack jurisdiction over this interlocutory appeal. See TEX. R. APP. P. 27.1(b) (stating that a notice of appeal is not effective if filed before the trial court makes a finding of guilt or receives a jury's verdict). Consequently, the appeal is dismissed for want of jurisdiction.

Brian Quinn
Chief Justice

Do not publish.