



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

No. 07-16-00444-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 Ana Estevez, Presiding

December 30, 2016

MEMORANDUM OPINION

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

Appellant, Donald Ray McCray, proceeding *pro se*, filed a notice of appeal from a purported "judgment" dated November 9, 2016. The district clerk certified to this court that no judgment or order disposing of the underlying proceeding has been executed by the trial court. Nor does the trial court's docket sheet (which has been filed with this court) indicate that a trial of the proceeding or oral pronouncement of sentencing has occurred. Questioning whether we have jurisdiction over the appeal, we directed appellant to address the matter. In response, appellant has asked for a forty-five day

extension to "file notice pursuant to the outline of Rule 38.1, of the Appellate Procedure" Rule 38.1 of the Texas Rules of Appellate Procedure pertains to filing an appellate brief specifying the issues for substantive review by this court. If we have no jurisdiction over the appeal, we cannot review issues raised in such a brief. So, appellant's need for an extension to file same is baseless.

As we stated in *Kerr v. State*, No. 07-13-00128-CR, 2014 Tex. App. LEXIS 12850, at *9 (Tex. App.—Amarillo Nov. 25, 2014, no pet.) (mem. op., not designated for publication), "[w]hen no sentence is pronounced, there is no valid judgment or conviction from which to appeal." Given the absence of either an oral pronouncement of sentence or an appealable order, we have no jurisdiction over the appeal. Therefore, we deny the motion to extend and dismiss the appeal for want of jurisdiction.

Per Curiam

Do not publish.