



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

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No. 07-17-00058-CR

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**DONALD RAY MCCRAY, APPELLANT**

**V.**

**THE STATE OF TEXAS, APPELLEE**

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

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March 8, 2017

**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 January 17, 2017.<sup>1</sup> The district clerk has certified to this court that no judgment or order disposing of the underlying proceeding has been executed by the trial court. Questioning whether we have jurisdiction over the appeal, we directed appellant to address the matter. In response, appellant has asked for a 45-day extension to “file notice pursuant to the outline of Rule 38.1 of the Appellate

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<sup>1</sup> Appellant has previously filed two other notices of appeal in this criminal case. We dismissed both appeals, cause numbers 07-16-00020-CR and 07-16-00444-CR, for want of jurisdiction.

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Do not publish.