



**In The  
Court of Appeals  
Sixth Appellate District of Texas at Texarkana**

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No. 06-11-00083-CR

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THOMAS EVERETT NIX, Appellant

V.

THE STATE OF TEXAS, Appellee

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On Appeal from the 71st Judicial District Court  
Harrison County, Texas  
Trial Court No. 88-0275X

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Chief Justice Morriss

## MEMORANDUM OPINION

Thomas Everett Nix has filed a notice of appeal from the trial court's denial of his motion for judgment nunc pro tunc.

The right to appeal in a criminal case is a substantive right determined solely within the province of the Legislature. *Lyon v. State*, 872 S.W.2d 732, 734 (Tex. Crim. App. 1994). "A defendant in any criminal action has the right of appeal under the rules hereinafter prescribed." TEX. CODE CRIM. PROC. ANN. art. 44.02 (West 2006). Generally, a criminal defendant may only appeal from a final judgment. *See State v. Sellers*, 790 S.W.2d 316, 321 n.4 (Tex. Crim. App. 1990). "The courts of appeals do not have jurisdiction to review interlocutory orders unless that jurisdiction has been expressly granted by law." *Apolinar v. State*, 820 S.W.2d 792, 794 (Tex. Crim. App. 1991); *Ahmad v. State*, 158 S.W.3d 525, 526 (Tex. App.—Fort Worth 2004, pet. ref'd).

We do not have jurisdiction over an appeal from an order denying a request for judgment nunc pro tunc. *See generally State v. Ross*, 953 S.W.2d 748, 751–52 (Tex. Crim. App. 1997); *Sanchez v. State*, 112 S.W.3d 311 (Tex. App.—Corpus Christi 2003, no pet.); *Everett v. State*, 82 S.W.3d 735 (Tex. App.—Waco 2002, pet. dism'd); *Allen v. State*, 20 S.W.3d 164, 165 (Tex. App.—Texarkana 2000, no pet.).

We dismiss for want of jurisdiction.

Josh R. Morriss, III  
Chief Justice

Date Submitted: June 30, 2011

Date Decided: July 1, 2011

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