



IN THE
TENTH COURT OF APPEALS

No. 10-11-00156-CR

JAMES EARL ROLLING, JR.,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 12th District Court
Walker County, Texas
Trial Court Nos. 24928, 24930, 25110, 25112

MEMORANDUM OPINION

A writing from James Earl Rolling, Jr. was received by the Court on April 18, 2011. We had some difficulty determining what the writing was and its purpose for anything we would have jurisdiction to review.

By letter dated May 9, 2011, the Clerk of this Court notified Rolling that, to the extent that the writing was a notice of appeal of an interlocutory order modifying bail, we did not have jurisdiction. *See Benford v. State*, 994 S.W.2d 404, 409 (Tex. App.—Waco 1999, no pet.). *See also Sanchez v. State*, No. 04-10-00891-CR, 2011 Tex. App. LEXIS 1896, *4-6 (Tex. App.—San Antonio Mar. 16, 2011, no pet.) (designated for publication). The

Clerk further notified Rolling that to the extent the writing was a pretrial petition for a writ of habeas corpus, we did not have jurisdiction. *See* TEX. CODE CRIM. PROC. ANN. art. 11.05 (West 2005); *Ex parte Price*, 228 S.W.3d 885, 886 (Tex. App.—Waco 2007, orig. proceeding). The Clerk then notified Rolling that the writing did not appear to be a notice of appeal of the denial of a petition for writ of habeas corpus.

By that same letter, Rolling was informed that we requested additional information so that we could determine if we had jurisdiction of the proceeding. He was also warned that unless any party filed a response within 35 days of the request for additional information which explains what the issue to be reviewed is and how we had jurisdiction to review or decide the issue, the proceeding would be dismissed.

We have been informed by Rolling's counsel that since the time Rolling filed his notice of appeal, counsel filed a petition for writ of habeas corpus, received an adverse ruling on the petition, and filed a notice of appeal of that adverse ruling. This letter confirms for us that Rolling's writing was an attempt to appeal an interlocutory order denying modification of bail, of which we do not have jurisdiction.

Accordingly, this proceeding is dismissed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed May 25, 2011
Do not publish
[CR25]