



**IN THE
TENTH COURT OF APPEALS**

No. 10-13-00428-CR

NORMAN CRITTENDEN,

Appellant

v.

THE STATE OF TEXAS,

Appellee

**From the 12th District Court
Walker County, Texas
Trial Court No. 17,626-C**

MEMORANDUM OPINION

The Court's memorandum opinion and judgment, dated January 30, 2014, is withdrawn, and the memorandum opinion and judgment dated March 13, 2014, is substituted therefor. Appellant Norman Crittenden's motion/request to set aside and reinstate the appeal, which we construe as a motion for rehearing, is dismissed as moot.

Crittenden is seeking to appeal an oral denial of a motion for judgment nunc pro tunc on October 3, 2013 and the subsequent written denial of his "Motion for an [sic] Rehearing on the Motion for an Order of Nunc Pro Tunc After Considering Evidence

and Oral Arguments by the Parties” on October 29, 2013. We do not have appellate jurisdiction of the denial of a motion for judgment nunc pro tunc or the denial of a motion for rehearing of a motion for judgment nunc pro tunc. *See Castor v. State*, 205 S.W.3d 666, 667 (Tex. App.—Waco 2006, no pet.). Accordingly, this appeal is dismissed.

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Appeal dismissed
Opinion delivered and filed March 13, 2014
Do not publish
[CR25]