



IN THE
TENTH COURT OF APPEALS

No. 10-20-00132-CR

JACKIE RUSSELL KEETER,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the 220th District Court
Hamilton County, Texas
Trial Court No. CR06361

MEMORANDUM OPINION

Appellant Jackie Russell Keeter appeals from the trial court's order denying his "Motion Nunc Pro Tunc."

An order denying a motion nunc pro tunc is not appealable. *See Sanchez v. State*, 112 S.W.3d 311, 312 (Tex. App.—Corpus Christi 2003, no pet.); *see also Castor v. State*, 205 S.W.3d 666, 667 (Tex. App.—Waco 2006, no pet.). The appropriate remedy for the denial

of a motion nunc pro tunc is to file a petition for writ of mandamus in the court of appeals. *Ex parte Florence*, 319 S.W.3d 695, 696 (Tex. Crim. App. 2010); *Ex parte Ybarra*, 149 S.W.3d 147, 148-49 (Tex. Crim. App. 2004).

We therefore dismiss this appeal for want of jurisdiction. *See* TEX. R. APP. P. 43.2(f).

Notwithstanding that we are dismissing this appeal, Keeter may file a motion for rehearing with this Court within 15 days after this opinion and judgment are rendered if he believes this opinion and judgment are erroneously based on inaccurate information or documents. *See* TEX. R. APP. P. 49.1. Moreover, if Keeter desires to have the opinion and judgment of this Court reviewed by filing a petition for discretionary review, that petition must be filed with the Court of Criminal Appeals within 30 days after either the day this Court's judgment is rendered or the day the last timely motion for rehearing is overruled by this Court. *See* TEX. R. APP. P. 68.2(a).

REX D. DAVIS
Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Neill
Appeal dismissed
Opinion delivered and filed May 6, 2020
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[CRPM]

