

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-11-00695-CR

Jerry Glen Myers, Jr., Appellant

v.

The State of Texas, Appellee

**FROM THE DISTRICT COURT OF MILAM COUNTY, 20TH JUDICIAL DISTRICT
NO. 23,050, HONORABLE JOHN YOUNGBLOOD, JUDGE PRESIDING**

MEMORANDUM OPINION

In July 2011, appellant Jerry Glen Myers, Jr., pled guilty to possessing a prohibited substance in a correctional facility and was sentenced to five years' imprisonment, probated for five years. In late October 2011, the State filed a motion to revoke Myers's probation. Myers filed a notice of appeal asserting that his probation had been revoked. However, the trial court has informed us that the State's motion has not been acted on, which means there is no appealable order of which Myers can complain. We therefore dismiss the appeal for want of jurisdiction. *See Ahmad v. State*, 158 S.W.3d 525, 526 (Tex. App.—Fort Worth 2004, pet. ref'd) (“Generally, a criminal defendant may only appeal from a final judgment.”); *see also* Tex. R. App. P. 26.2(a) (notice of appeal must be filed within thirty days of date sentence is imposed or suspended or from date trial court “enters an appealable order”).

David Puryear, Justice

Before Justices Puryear, Rose and Goodwin

Dismissed for Want of Jurisdiction

Filed: December 21, 2011

Do Not Publish