

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00829-CR

The State of Texas, Appellant

v.

Hannah Morris, Appellee

**FROM THE COUNTY COURT AT LAW NO. 1 OF HAYS COUNTY
NO. 14-0960-CR, HONORABLE ROBERT UPDEGROVE, JUDGE PRESIDING**

MEMORANDUM OPINION

The State filed a notice of appeal on November 29, 2016, concerning a motion to suppress evidence that the trial court heard on March 21, 2016, and May 18, 2016. In the notice, the State explained that the notice of appeal was premature because the trial court had not yet ruled or signed an order on the motion. *See* Tex. R. App. P. 25.2(a)(1) (authorizing State to appeal court’s order in criminal case as provided in article 44.01 of Texas Code of Criminal Procedure), 27.1(b) (addressing prematurely filed notices of appeal); *see also* Tex. Code Crim. Proc. art. 44.01(a)(5) (authorizing State to appeal order granting motion to suppress evidence).

On February 23, 2017, this Court sent a letter to the parties requesting a response by March 6, 2017, explaining how this Court may exercise jurisdiction over this appeal without an order signed by the trial court. *See* Tex. R. App. P. 25.2(a)(1); *State v. Sanavongxay*, 407 S.W.3d 252, 258–59 (Tex. Crim. App. 2012) (noting that “our precedent requires that an order be in writing” and

concluding that “because there is no written order from which to appeal, the court of appeals correctly held that it has no jurisdiction over the state’s appeal”). No response has been filed.

On February 24, 2017, the Hays County Clerk filed a letter with this Court confirming that, as of February 23, 2017, the trial court had not made a ruling on the pending motion to suppress evidence. Because the trial court has not ruled on the motion, we conclude that we do not have jurisdiction over this appeal. *See Sanavongxay*, 407 S.W.3d at 258–59. Accordingly, we dismiss this appeal for want of jurisdiction. *See Tex. R. App. P. 43.2(f)*.

Melissa Goodwin, Justice

Before Justices Puryear, Pemberton, and Goodwin

Dismissed for Want of Jurisdiction

Filed: March 21, 2017

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