

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-17-00301-CR
NO. 03-17-00302-CR**

Ex parte Andre Jackson

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 331ST JUDICIAL DISTRICT
NOS. D-1-DC-16-301434 & D-1-DC-16-302285
HONORABLE DAVID CRAIN, JUDGE PRESIDING**

ORDER AND MEMORANDUM OPINION

PER CURIAM

Appellant Andre Jackson, appearing pro se, filed a notice of appeal in this Court giving written notice of appeal from the denial of his “Original Petition for Habeas Corpus for Release Because of Delay.” The clerk’s record filed in this appeal contains Jackson’s petition for habeas corpus asserting that the bail set in his cases was excessive and penal in nature and that he should be released on a personal bond because the State was not ready for trial within 90 days of the commencement of his detention. *See* Tex. Code Crim. Proc. art. 17.151. The reporter’s record from the hearing held on Jackson’s petition contains an oral ruling denying release, based on the court’s finding that the State had announced that it was ready before the 90 days elapsed and that no credible evidence had been presented to negate the State’s showing of readiness. There is no written order denying release in the appellate record.

In criminal cases, this Court has jurisdiction to consider appeals from the entry of an appealable order. *See* Tex. R. App. P. 25.2; Tex. Code Crim. Proc. art. 44.02; *see also* Tex. R. App. P. 26.2(a)(1). However, there must be a written, signed order from which to appeal. *See 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” when discussing State’s statutory right to appeal pretrial suppression order); *see also State v. Rosenbaum*, 818 S.W.2d 398, 401-02 (Tex. Crim. App. 1991) (holding that trial court “enters” order for purposes of appeal when judge signs order).

Accordingly, we abate this cause and remand it to the trial court for entry of a signed order on appellant’s pretrial application for writ of habeas corpus. *See* Tex. R. App. P. 44.4(b) (requiring appellate court to direct trial court to correct remediable error that prevents proper presentation of appeal). Once entered, the signed order shall be included in a supplemental clerk’s record and filed with this Court no later than September 29, 2017.

It is so ordered August 30, 2017.

Before Justices Puryear, Field, and Bourland

Abated and Remanded

Filed: August 30, 2017

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