



NUMBERS 13-15-00489-CR AND 13-15-00490-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

ROBERT A. LOYA,

Appellant,

v.

THE STATE OF TEXAS,

Appellee.

**On appeal from the 444th District Court
of Cameron County, Texas.**

MEMORANDUM OPINION

**Before Justices Garza, Benavides, and Longoria
Memorandum Opinion Per Curiam**

Appellant, Robert A. Loya, proceeding pro se, filed a notice of appeal on October 8, 2015. Appellant states he has filed a motion for forensic DNA testing under article 64.01 of the Texas Code of Criminal Procedure and seeks to appeal the trial court's failure to rule on his motions. We dismiss the appeals for want of jurisdiction.

An appeal from a denial of a motion for DNA testing is treated in the same manner as an appeal of any other criminal matter. See TEX. CODE CRIM. PROC. ANN. art. 64.05 (Vernon Supp. 2005). Texas Rule of Appellate Procedure 26.2 provides that an appeal is perfected when notice of appeal is filed within thirty days after the day the trial court enters an appealable order. TEX. R. APP. P. 26.2(a)(1). The time within which to file the notice may be enlarged if, within fifteen days after the deadline for filing the notice, the party files the notice of appeal and a motion complying with Rule 10.5(b) of the Texas Rules of Appellate Procedure. See TEX. R. APP. P. 26.3.

The clerk of the trial court has informed us that the trial court has not entered a ruling on appellant's motion for post-conviction forensic DNA testing. The Clerk of this Court notified appellant that it appeared there was no final, appealable order and requested correction of the defect, if it could be done. The Clerk notified appellant that the appeals would be dismissed if the defect was not cured. Appellant has responded that there is an appealable judgment and he has grounds for an appeal.

The Court, having examined and fully considered the documents on file, is of the opinion that there is not an appealable order and this Court lacks jurisdiction over the matters herein. Because there is no appealable order, we DISMISS the appeals for want of jurisdiction. All pending motions, if any, are likewise DISMISSED.

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
10th day of December, 2015.