

**NO. 12-17-00143-CR**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

*FAYE JEWEL PAYNE,  
APPELLANT*

§ *APPEAL FROM THE 402ND*

*V.*

§ *JUDICIAL DISTRICT COURT*

*THE STATE OF TEXAS,  
APPELLEE*

§ *WOOD COUNTY, TEXAS*

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***MEMORANDUM OPINION  
PER CURIAM***

Faye Jewel Payne appeals from the denial of her application for writ of habeas corpus. On March 31, 2017, Appellant filed a habeas application with the trial court, in which she sought a “reasonable bond.” In April, she filed a motion to reinstate bail. On May 4, the trial court held a hearing on both Appellant’s application and her motion to reinstate, and reduced Appellant’s bond. According to a docket entry, the trial court denied Appellant’s habeas application. The record, however, does not contain a written order on Appellant’s application.

On May 11, this Court notified Appellant that the notice of appeal failed to show the jurisdiction of the Court, namely, there is no final judgment or appealable order. We further notified Appellant that the appeal would be dismissed unless the information was amended on or before June 12 to show the jurisdiction of the Court. This deadline has passed, and we have received no response from Appellant.

The court of criminal appeals has held that a “trial court’s oral pronouncements on the record do not constitute appealable orders.” *State v. Wachtendorf*, 475 S.W.3d 895, 904 (Tex. Crim. App. 2015). “Only a writing suffices.” *State v. Sanavongxay*, 407 S.W.3d 252, 258 (Tex. Crim. App. 2012). Moreover, a docket entry is not tantamount to an order. *See State v. Shaw*, 4 S.W.3d 875, 878 (Tex. App.—Dallas 1999, no pet.). In this case, the record contains no written order denying Appellant’s habeas application; no oral pronouncement or docket sheet entry is

sufficient to comprise an appealable, written order. *See Wachtendorf*, 475 S.W.3d at 903; *see also Sanavongxay*, 407 S.W.3d at 258; *Ex parte Wiley*, 949 S.W.2d 3, 4 (Tex. App.—Fort Worth 1996, no pet.). Accordingly, we **dismiss** Appellant’s appeal for **want of jurisdiction**.

Opinion delivered June 14, 2017.

*Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.*

(DO NOT PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

JUNE 14, 2017

NO. 12-17-00143-CR

FAYE JEWEL PAYNE,  
Appellant  
V.  
THE STATE OF TEXAS,  
Appellee

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Appeal from the 402nd District Court  
of Wood County, Texas (Tr.Ct.No. 23,111-2017)

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THIS CAUSE came on to be heard on the appellate record, and the same being considered, it is the opinion of this Court that it is without jurisdiction of the appeal, and that the appeal should be dismissed.

It is therefore ORDERED, ADJUDGED and DECREED by this Court that the appeal be, and the same is, hereby **dismissed for want of jurisdiction**; and that this decision be certified to the court below for observance.

By *per curiam* opinion.  
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.