

DISMISS and Opinion Filed June 23, 2020



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-20-00539-CR

**TIMOTHY ERIC WALTERS, Appellant
V.
THE STATE OF TEXAS, Appellee**

**On Appeal from the Criminal District Court No. 2
Dallas County, Texas
Trial Court Cause No. F11-00309-I**

MEMORANDUM OPINION

Before Justices Whitehill, Osborne, and Carlyle
Opinion by Justice Osborne

On April 23, 2012, the trial court found Timothy Eric Walters guilty of aggravated robbery and sentenced him to twenty-five years in prison. On May 15, 2020, appellant's pro se notice of appeal was filed with this Court, stating he was appealing the trial court's "appealable order dated April 10, 2020" dismissing his motion for nunc pro tunc back time credit.

An appellate court has jurisdiction to determine an appeal only if the appeal is authorized by law. *Abbott v. State*, 271 S.W.3d 694, 696–97 (Tex. Crim. App. 2008). When the appellate court's jurisdiction is not legally invoked, the court's

power to act is as absent as if it did not exist. *Olivo v. State*, 918 S.W.2d 519, 523 (Tex. Crim. App. 1996). Appellate courts may consider criminal appeals only after final conviction or the entry of a narrow set of appealable interlocutory orders. TEX. R. APP. P. 26.2(a)(1); *Wright v. State*, 969 S.W.2d 588, 589 (Tex. App.—Dallas 1998, no pet.).

According to the district clerk’s office, appellant filed a motion for judgment nunc pro tunc on April 10, 2020 but no order has issued. Because there is no written order, we lack jurisdiction. *See Nikrasch v. State*, 698 S.W.2d 443, 450 (Tex. App.—Dallas 1985, no pet.) (court of appeals has no jurisdiction over appeal absent written judgment or order).

We dismiss this appeal.

/Leslie Osborne

LESLIE OSBORNE
JUSTICE

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TEX. R. APP. P. 47.2(b)
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**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

TIMOTHY ERIC WALTERS,
Appellant

No. 05-20-00539-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the Criminal District
Court No. 2, Dallas County, Texas
Trial Court Cause No. F11-00309-I.

Opinion delivered by Justice
Osborne. Justices Whitehill and
Carlyle participating.

Based on the Court's opinion of this date, we **DISMISS** this appeal.

Judgment entered June 23, 2020