

Dismissed and Opinion Filed October 1, 2021



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

No. 05-21-00792-CR

No. 05-21-00793-CR

REGINALD DONELL RICE, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 265th Judicial District Court
Dallas County, Texas
Trial Court Cause Nos. F14-76788-R & F14-76789-R**

MEMORANDUM OPINION

Before Justices Osborne, Pedersen, III, and Reichek
Opinion by Justice Osborne

On September 10, 2021, Reginald Donald Rice filed a notice of appeal, complaining of the trial court's failure to rule on his motion for chapter 64 DNA testing in the above cases. Seventeen days later, he filed a motion to perfect the appeal and another notice of appeal. The district clerk subsequently informed the Court that there is no written signed order disposing of appellant's motion for DNA testing.

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.).

As previously noted, the district clerk’s office confirmed there is no written signed order in these cases. Under these circumstances, we lack jurisdiction over these appeals. *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).

210792f.u05
210793f.u05
Do Not Publish
TEX. R. APP. P. 47.2(b)

/Leslie Osborne//
LESLIE OSBORNE
JUSTICE



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

JUDGMENT

REGINALD DONELL RICE,
Appellant

No. 05-21-00792-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 265th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F14-76788-R.
Opinion delivered by Justice
Osborne. Justices Pedersen, III and
Reichek participating.

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

Judgment entered this 1st day of October, 2021.



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

JUDGMENT

REGINALD DONELL RICE,
Appellant

No. 05-21-00793-CR V.

THE STATE OF TEXAS, Appellee

On Appeal from the 265th Judicial
District Court, Dallas County, Texas
Trial Court Cause No. F14-76789-R.
Opinion delivered by Justice
Osborne. Justices Pedersen, III and
Reichek participating.

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

Judgment entered this 1st day of October, 2021.