

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-20-00135-CR

DEAN JOHNSON JAMES, Appellant

V.

THE STATE OF TEXAS, Appellee

**On Appeal from the 221st District Court
Montgomery County, Texas
Trial Cause No. 15-05-05064-CR**

MEMORANDUM OPINION

Dean Johnson James filed a notice of appeal from the trial court's order denying his motion requesting that the trial court issue a judgment *nunc pro tunc*. On April 17, 2020, we notified the parties that it appears the order James is seeking to appeal is neither a final judgment nor an appealable order. In response, the State filed a motion to dismiss. James did not respond to our letter or to the State's motion to dismiss.

Previously, this Court affirmed James's conviction for evading arrest or detention based on his use of a motor vehicle. *See James v. State*, No. 09-16-00428-CR, 2017 WL 5179517, at *2 (Tex. App.—Beaumont Nov. 8, 2017, pet. ref'd) (not designated for publication). After we issued that opinion, James filed a judgment in the trial court for the judgment *nunc pro tunc*, which the trial court denied.

We conclude the Court does not have appellate jurisdiction of the order James seeks to appeal, which denied his post-conviction motion seeking a judgment *nunc pro tunc*. *Desilets v. State*, 495 S.W.3d 553, 554 (Tex. App.—Beaumont 2016, pet. ref'd). For that reason, we dismiss James's appeal because we do not have jurisdiction to hear his appeal from the trial court's ruling on his motion.

APPEAL DISMISSED.

PER CURIAM

Submitted on July 7, 2020
Opinion Delivered July 8, 2020
Do Not Publish

Before McKeithen, C.J., Horton and Johnson, JJ.